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**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING AND BUILDING**  
**STAFF REPORT**

**PLANNING COMMISSION**

<b>MEETING DATE</b> November 10, 2005	<b>CONTACT/PHONE</b> Ryan Hostetter, Project Planner (805) 788-2351	<b>APPLICANT</b> Shear Edge Development	<b>FILE NO.</b> TRACT 2667 SUB2004-00259
<b>SUBJECT</b> Request by Shear Edge Development for a Vesting Tentative Tract Map/Development Plan/Coastal Development Permit to subdivide an existing 0.67 acre parcel into eleven parcels ranging from 784 square feet to 4,658 square feet each for the development of fourteen individual residential units available for sale or as rentals, within nine separate buildings. The project will result in the demolition of the existing schoolhouse building and grading of the site resulting in disturbance of the entire 0.67 acre parcel. The project includes off-site street improvements which include widening and installing curb, gutter, and sidewalk along San Luis Street. The proposed project is within the Residential Multi-Family land use category and is located at 190 San Antonia Street, on the corner of San Antonia Street and San Luis Street in the community of Avila Beach. The site is in the San Luis Bay (coastal) planning area.			
<b>RECOMMENDED ACTION</b> 1. Adopt the Mitigated Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Vesting Tentative Tract 2667 and Development Plan/Coastal Development Permit based on the findings listed in Exhibit A & Exhibit C and the conditions listed in Exhibit B & Exhibit D			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 29, 2005 for this project. Mitigation measures are proposed to address air quality, cultural resources, geology and soils, public services/utilities, and recreation, and are included as conditions of approval.			
<b>LAND USE CATEGORY</b> Residential Multi Family	<b>COMBINING DESIGNATION</b> Archaeologically Sensitive Area, Local Coastal Program, Coastal Appealable Zone	<b>ASSESSOR PARCEL NUMBER</b> 076-221-003	<b>SUPERVISOR DISTRICT(S)</b> 3
<b>PLANNING AREA STANDARDS:</b> View Protection, Storm Drainage and the Avila Beach Specific Plan			
<b>LAND USE ORDINANCE STANDARDS:</b> Minimum Parcel Size			
<b>EXISTING USES:</b> Site currently contains an old schoolhouse which has been used as a school, and as a church in the recent past.			
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <div style="display: flex; justify-content: space-between;"><div><i>North:</i> Residential Multi-Family/multi family Family/single and multi family residences <i>South:</i> Residential Multi-Family/vacant</div><div><i>East:</i> Residential Single Family &amp; Residential Multi-  <i>West:</i> Residential Multi-Family/vacant</div></div>			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

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OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Avila Community Advisory Council, Public Works, Environmental Health, County Parks, CDF, Avila Community Services District, APCD, and the California Coastal Commission	
TOPOGRAPHY: Site is nearly level with one steep short slope across the northern third of the property, which was previously cut for the existing parking area at the north end of the site.	VEGETATION: Ornamental vegetation, trees, and some grasses and weeds
PROPOSED SERVICES: Water supply: Community system Sewage Disposal: Community sewage disposal system Fire Protection: CDF	ACCEPTANCE DATE: August 5, 2005

### PROJECT DESCRIPTION:

The proposed project is a planned unit development which includes the subdivision of a single 0.67 acre parcel into eleven parcels, and the development of fourteen residential units. Three of these fourteen units will be dedicated affordable units; one will be a lower income studio, and two will be moderate income two bedroom units. Below is a breakdown of each proposed unit, the parcel it is located on, the square footage of the unit, the square footage of the parcel, and the affordability status:

UNIT #	SQ. FT. OF UNIT	LOCATED ON PARCEL	SQ. FT. OF PARCEL	NO. OF BEDROOMS	AFFORDABLE?
1	1,850	1	2,142	2	no
2	1,850	2	2,351	2	no
3a	1,282	3	3,188	2	no
3b	1,182	3	3,188	2	no
4a	1,282	4	2,905	2	no
4b	1,182	4	2,905	2	no
5	1,875	5	3,402	2	no
6	1,875	6	3,781	2	no
7a	1,142	7	1,050	2	moderate
7b	878	9	784	1	lower income
7c	1,227	8	1,503	2	moderate
8a	1,628	10	3,398	2	no
8b	1,640	10	3,398	2	no
9	1,290	11	4,658	2	no

The project is located on a site currently owned by the San Luis Coastal Unified School District. The applicant has signed a contract with the school district for the development of the project, and management of the units that are not sold. The developers contract includes a 99 year lease over the entire property. Based on the agreement between the district and the developers, three of the proposed units are going to be sold as "affordable" units, and the developers have the option to sell three more units at market rate. The remaining eight are

proposed to be held by the applicant as rental units. The nature and tenancy of the rentals, however has been an issue between the applicant and staff because the applicant is requesting to use the eight units as rentals for less than 30 days (a.k.a. "vacation rentals"). Staff has determined that permanent rentals are needed in Avila Beach, and by allowing these units to be used as vacation rentals, the community of Avila Beach will experience a loss of land zoned for residential multi family to a transient use. There is more discussion on this specific issue later on in the staff report.

The site currently contains an old school building that was constructed in approximately 1901. The historical significance of the structure has been evaluated with the environmental review of the proposed project. According to the Historical Evaluation, the structure is not seen as a "significant historical resource." The conclusion is based on several reasons outlined in the historic resource evaluation (Bertrando & Bertrando, January 2004) which is attached to the environmental document.

### **ORDINANCE COMPLIANCE:**

#### *Minimum Parcel Size*

Section 23.04.028 of the Coastal Zone Land Use Ordinance establishes standards for determining minimum parcel sizes in the Residential Multi-Family land use category. Generally the minimum parcel size standards are based on tests that include the type of road that currently provides access to the site, the slope of the property, and the type of wastewater facility that is available to the site. This project, however, falls under section 23.04.028 d, which allows for a smaller parcel size with Development Plan approval, as long as the following can be met:

1. That the common ownership external parcel is in compliance with the provisions of this section; and
2. The density of residential units is in compliance with Section 23.04.084 where the project is located in the Residential Multi Family category.

The project meets both of these requirements as the common ownership parcel (i.e. "parent parcel") is 29,164 square feet (or 0.67 acres), which exceeds the minimum parcel size requirement of 6,000 square feet, and the project is in compliance with the density requirements of Title 23 (see multi-family density section of this staff report which is under the Avila Beach Specific Plan).

#### *Quimby Fees*

Title 21, the Real Property Division Ordinance, establishes an in-lieu fee for all new land divisions for the purpose of developing new, or rehabilitating existing, park or recreational facilities to serve the land division. Payment of the parkland fee for all undeveloped parcels is required prior to map recordation.

#### *Affordable Housing Fees*

Sections 18.07 et. seq of Title 18 of the County Code establishes a fee of 3.5% of the public facility fee for all new land divisions. This allows recognized affordable housing projects to be exempted from public facility fees. This project includes 3 affordable units (out of 14 total), and the fee will not apply to these units, however the remaining 11 units are subject to this fee.

#### *Design Standards*

The proposed parcels are consistent with the design criteria set forth in Chapter 3 of the Title 21 of the Real Property Division Ordinance.

*Parking*

Parking requirements for the proposed project includes both resident parking and guest parking. Required parking spaces are 1 per one bedroom or studio unit, 1.5 per two bedroom unit, 2 per three or more bedrooms plus guest parking which includes 1 space, plus 1 for every 4 units or fraction thereof beyond the first four. Out of the 14 units in the proposed project, 13 of those units are two bedroom, and one is a studio. This would come out to a requirement of 25 parking spaces for the proposed project. This project complies with these standards and provides 25 spaces on site (two of which are compact spaces).

*Setbacks*

There is a setback exception to the standard setback requirements of the ordinance (23.04.104 c) when a Development Plan and/or tentative map is approved with special setbacks. The proposed project is requesting special setbacks based on the proposed parcel configuration. The setbacks are varying throughout the site but are no smaller than 3' from the property line.

**PLANNING AREA STANDARDS:**

*View Protection*

"All new residential development shall be designed to protect public view corridors to the beach and ocean." (San Luis Bay Area Plan, Residential standards) The proposed project does not inhibit any public view corridors. The best public view corridor in this area is from the highest elevation on San Antonio Street looking south, and the proposed project does not block this public view corridor.

*Storm Drainage*

The project is required to incorporate Best Management Practices (BMP's) to address storm water runoff. The combined set of BMP's shall be designed to treat and infiltrate storm water runoff up to and including the 85<sup>th</sup> percentile storm event. The proposed is conditioned to include BMP's in the grading and drainage plans to meet this requirement.

*Avila Beach Specific Plan*

"The Avila Beach Specific Plan, and any amendments made thereto is hereby incorporated into this Land Use Element as though it were fully set forth here. All development within the Avila Beach Specific planning area (as shown above) is to be in conformity with the adopted Specific Plan, as well as all other applicable LCP standards. In the event of any conflict between the provisions of the San Luis Bay Area Plan and the Specific Plan, the Specific Plan shall control." (San Luis Bay Area Plan, Avila Beach, Communitywide)

**AVILA BEACH SPECIFIC PLAN STANDARDS:**

*Density*

Allowable density shall be low density (up to 15 units to the acre), but can be increased up to 38 units to the acre if the following conditions are met (to be determined by the Planning Commission through Development Plan review):

1. there would be no greater obstruction of public views and no greater limitation of solar access to adjacent properties than at 15 units per acre,



2. the bulk, massing and design character of the project would be consistent with that of the surrounding adjacent parcels, and
3. all other design guidelines and standard applicable to RMF are met.

The proposed project meets the above criteria for an increase from low intensity to medium. The project will not further obstruct public views across the site then if there were a low density project on the site which would allow 10 units on the site. The addition of four units which allow the project to fit under the "medium intensity" will not further obstruct public views across this project site. The applicant has also conducted a solar analysis (attached) which shows that the proposed project will not further limit solar access to the existing structures which are located at the south west corner of the project site. In some cases the solar access of the adjacent properties to the north-west are increased with the design of the proposed project. The project is also consistent with other larger projects that have been permitted recently in the community (Tract 2414 which is located across San Luis Street slightly east, and Peoples Self Help Housing north on Laurel Street), and existing development such as the large apartment buildings at the opposite corner of San Luis and San Antonia Street. While these projects are not "adjacent" to the project site they are similar to the proposed project in this neighborhood. The parcels adjacent to the project to the west and the south are vacant.

The base density for the proposed project is a "medium" intensity of 26 units per acre, which would allow 17 units for the subject parcel, and the applicant is providing 14 units total with the proposed project (which includes the three affordable units).

The required base square footages for the medium density include the following:

	DENSITY	MAX FLOOR AREA	MIN. OPEN AREA
Allowed	<b>26 units/acre (17 units)</b>	<b>48% (14,008 sq ft)</b>	<b>45% (13,133 sq ft)</b>
Proposed	<b>14 units</b>	<b>20,183 sq ft *</b>	<b>14,888 sq ft.</b>

\*The increase of 6,175 square feet in floor area (or living area) is allowed as an "incentive" for the affordable units under the new Senate Bill 1818 (see below for further discussion of SB1818).

#### *Setbacks*

To achieve conformance with existing development patterns, front setback requirements should be consistent with adjacent parcels. The proposed project is not located adjacent to any existing structures, which would effect the front setback requirement. The front setback for the proposed project is 25 feet.

#### *Allowable Building Height*

Building height should be 20 feet, however maximum height is 25 feet provided that the following are met:

1. it would result in no greater obstruction of public views and no greater limitation of solar access to adjacent properties than a 20 foot building.
2. the building has a pitched roof with a slope greater than 2.5 in 12, and the additional height above 20 feet is used to achieve this pitched roof. Height shall be measured as specified in the Coastal Zone Land Use Ordinance.

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The proposed project includes nine separate structures which range in height from approximately 18 feet up to 25 feet measured from average natural grade. The structures, which are higher than the 20 foot suggested maximum, are required to include the additional evaluation for solar access and roof pitch (as stated above in 1 and 2 under Allowable Building Height). The project meets these requirements as the structures that are between 20 and 25 feet in height have at least a 5 in 12 roof pitch, and there will be no further obstruction of public views or limitation of solar access.

*Off-Street Parking requirements and location*

Parking requirements are set forth in the Coastal Zone Land Use Ordinance for the proposed project (see parking under ordinance requirements for specific numbers). To reduce visual impacts, required parking spaces shall not be located in the front setback, except as provided in paragraph 23.04.108 a(2) of the Coastal Zone Land Use Ordinance. The proposed project meets this requirement with majority of the parking in the center of the project in garages. There is some parking located in the front of the structures on San Luis Street, and two of those spaces are located in the front setback, however it does comply with section 23.04.108 a(2). This section of the ordinance includes an allowance for a front setback adjustment when the natural elevation from the centerline of the fronting street is seven feet above or below a point on the subject parcel 50 feet from the centerline of the fronting street (sloping lot adjustment). The current elevation within the front setback area (approximately 40 to 50 feet from the centerline of San Luis Street) is at 75 feet, and the elevation of the sidewalk adjacent to the property on San Luis Street is at 68 feet in elevation. Based on this information there is a difference in elevation of approximately 7 feet at only 30 feet away from the centerline of San Luis Street. This project complies with this standard.

*Inclusion of Studio Units*

Projects of more than 4 and fewer than 11 units are required to include at least one studio unit. Although, one of the fourteen units is proposed as a "lower income" affordable studio, this project is not required to include a "studio" because it is more than 11 units.

*Drainage Requirements*

All new development within the Residential Multi-Family area shall conform to the drainage standards described in the Avila Beach Urban Area Standards in the San Luis Bay Area Plan. This project complies with this standard as conditioned.

*Affordable Housing*

CZLUO section 23.04.092 requires new residential developments of more than eleven units set aside 15% of multifamily units for households of low or moderate income. The proposed project includes fourteen residential units and must comply with this standard. The affordable housing units are subject to a long term affordability agreement. This project complies with this standard and provides three affordable units.

**COMBINING DESIGNATIONS:**

*Archaeologically Sensitive Area*

A Cultural Resources Inventory was conducted on the project site (Bertrando & Bertrando Phase I and Phase II September 25, 2003 and February 10, 2004). The results of the investigation found that potentially significant pre-historic cultural resources are present on the property, and a monitoring plan is required prior to issuance of any construction permits. The

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project is conditioned to include a monitoring plan which includes a qualified archaeologist approved by the County to be on site during initial ground disturbing activities (i.e. grading for tract improvements and for foundations).

#### *Local Coastal Program*

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Program.

#### *Coastal Appealable Zone*

The project is appealable to the Coastal Commission because the project is between the first public road and the ocean.

### **MAJOR ISSUES:**

#### *Vacation Rentals*

When the proposed project was submitted to the Planning Department for processing of a Tract Map with a Development Plan, the project description did not include the use of these units as rentals for less than 30 days. After the project had been accepted for processing, the applicant made staff aware of their intention to use some of the units as vacation rentals. Staff determined that this was a change in the project description and asked that the Avila Valley Advisory Council re-review the project with regards to this issue. Staff communicated to the community of Avila and the applicant that the use of vacation rentals on this site is inappropriate. Staff also proposed a condition of approval on the project which will limit the use of transient housing. The following is a discussion of each of the main points related to this issue:

1. No lack of visitor serving housing in Avila Beach: The community of Avila Beach currently contains several options for transient housing. There are at least four significant hotels in operation today and some opportunities for lower cost camping/RV spaces at the port. Avila Beach is a tourist destination because of its climate, the ocean, and natural beauty. However, Avila Beach also needs housing for those who work in Avila Beach and the nearby surrounding communities. With the addition of some significant hotel projects in the near future (i.e. Martin Resorts on front street under construction now, the addition to Sycamore, additional units proposed on the golf course) there will be a great influx of transient units for such a small community.
2. Loss of RMF to transient use: There is an undisputed need for housing in our county, however the greatest need is not that of estate style homes, but a great need for workforce housing. This is one of the many reasons for providing multi family zoning; to provide more affordable housing opportunities, and a mixture of housing opportunities, for those that either can't purchase a home in the area, are not ready to purchase a home, or would rather purchase a unit in a higher density area. Avila Beach has had an increase of multi family units (and affordable units) with the construction of the Peoples Self Help Housing project at the end of Laurel Street, Oceans 17 which are proposed to be used as time share units, Tract 2414 (i.e. Sansone) which provides 17 condominium units, and Tract 2355 (i.e. Avila Oaks) with 10 condominium units. This proposed project has the opportunity to provide at least eight units of housing for those that may not be able to purchase a home in Avila Beach. If, however, they are used as vacation rentals a precedent will be set in allowing more of the multi family zoned land to be used as expensive transient housing. While the use of these units as vacation rentals is allowed

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in our ordinance, and a use permit is not required to convert these units to vacation rentals, we have an opportunity through discretionary review to ensure that at least these eight units will remain as permanent housing.

3. Too dense for "residential vacation rentals" in residential neighborhood: If the current vacation rental ordinance in Cambria and Cayucos is applied to this site, the developers would get one vacation rental fronting San Luis Street, and one vacation rental fronting San Antonia Street (assuming that they were independent parcels fronting the two different streets). Recently the Board of Supervisors has given staff direction on how dense is "too dense" for vacation rentals in residential neighborhoods (in Cambria and Cayucos where the Vacation Rental Ordinance applies). Most of the testimony from the Board of Supervisors meeting was that the density of rentals in residential neighborhoods is of a great concern to full time residents, and should be limited. This project proposes to use eight units as vacation rentals on a property that is under one acre. This is far more dense than those currently allowed under the vacation rental ordinance in Cambria or Cayucos. Under that ordinance (which currently does not apply in Avila) there could only be one vacation rental every 200 linear feet, and based on public testimony there is increasing support to see only one vacation rental within a 200 foot radius of another. Although not yet codified, if this radial distance were applied to the subject project site, there would be only one vacation rental allowed.

#### **SB1818**

Effective January 1, 2005, SB 1818 (Hollingsworth) (Chapter 928, Statutes of 2004) amends density bonus law (Gov. Code Section 65915) in a number of ways. This new legislation allows a developer extra incentives for providing a certain amount of affordable housing. There are density bonuses that a developer could request, and extra "incentives" that can be defined by the developer. These extra "incentives" must be approved by a local jurisdiction unless the jurisdiction finds that the incentive directly affects the health and safety of those living in the area. Under this new law, the proposed project is allowed one "incentive" for providing at least 10% affordable units for moderate income residents. The applicant is requesting an "incentive" of extra floor area to make the units larger. The applicant is required to show a maximum floor area of 14,008 square feet, and they are proposing a floor area of 20,183 square feet. This extra 6,175 square feet of floor area is the "incentive" that the applicants are requesting. The project meets all other ordinance requirements. Staff recommends approval of this additional floor area, as a finding that allowing this additional floor area will result in a health and safety concern to both the residents of the development, and neighbors in the area cannot be made.

**COMMUNITY ADVISORY GROUP COMMENTS:** The Avila Valley Advisory Council discussed the subject project at a few meetings (two meetings with the land use committee, and three meetings with the entire advisory council). The final comments (attached) are a result of the last meeting. The comments included suggestions to make sure that the trash enclosure had a roof and contained any trash containers from public view, the massing of the design, the driveway width in the parking areas, the retaining wall at the front, and issues relating to the old school house vacation rentals. The developer has revised the plans to add vegetation to soften the appearance of the retaining wall in the front, and step the height of the wall, put a roof over the trash enclosure, and provide more information on the colors of the buildings. The developer wishes to keep a uniform color as it fits the intended style. AVAC would like to see the old schoolhouse remain, however the developers are proposing to demolish the structure.

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**AGENCY REVIEW:**

Public Works- Recommend approval.

Environmental Health – See letter dated February 15, 2005 showing preliminary evidence of water and sewer (attached)

County Parks - Applicant must pay Quimby fees and other applicable building division fees.

CDF - See letter dated April 11, 2005 (attached)

Avila Beach Community Services District – Applicant will need to apply for service must meet all conditions of approval with the CSD ordinance.

APCD – See attached letter dated March 11, 2005

California Coastal Commission - None received as of 10/29/05

Cal Trans – None received as of 10/29/05

RWQCB – None received as of 10/29/05

**LEGAL LOT STATUS:**

The lot was legally created by deed at a time when that was a legal method of creating lots.

Staff Report prepared by Ryan Hostetter and reviewed by Matt Janssen, James Caruso, Kami Griffin, and Dana Lilley

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**EXHIBIT A**  
**FINDINGS DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT**

*Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 29, 2005 for this project. Mitigation measures are proposed to address air quality, cultural resources, geology and soils, public services/utilities, and recreation, and are included as conditions of approval.

*Development Plan*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed 14 residential units on 11 small lots does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the condominium style residential units are similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on San Antonio Street, a local road constructed to a level able to allow the additional 14 residential units.

*Archeological Sensitive Area*

- G. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project is conditioned to include a monitoring plan which will require a qualified professional approved by the county to monitoring any ground disturbing activities.

*Vacation Rentals*

- H. The proposed project shall not contain vacation rentals or any rentals for less than a 30-day time period. While vacation rentals are generally an allowed use in a residentially

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zoned neighborhood, the project site is inappropriate for the use of vacation rentals because of a few reasons:

- a. The project site is too dense for the use of vacation rentals, and will create neighborhood compatibility issues if allowed on this project site.
- b. If the proposed units are allowed as vacation rentals, a precedent will be set in allowing more multi family zoned land to be used as transient housing. While the use of these units as vacation rentals is allowed in the Coastal Zone Land Use Ordinance, the County has an opportunity through discretionary review to ensure that at least these eight units will remain as permanent housing.
- c. There is not a need to create visitor serving, transient housing in the residentially zoned areas of Avila Beach. There is currently a large stock of transient housing existing today, and several projects with transient housing under construction.

#### *Affordable Housing*

- I. The provision of 3 units for persons and families of low or moderate income, as defined by Section 50093 of the Health and Safety Code, will satisfy the intent of Government Code Section 65590(d) and is feasible due to the sale of the project, the availability of land in the community, and the need for affordable housing within the community.

#### *Coastal Access*

- J. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

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**EXHIBIT B**  
**CONDITIONS FOR DEVELOPMENT PLAN/COASTAL DEVELOPMENT PERMIT**

**Approved Development**

1. This approval authorizes:
  - a. Request by Shear Edge Development for a Development Plan/Coastal Development Permit to construct fourteen residential units located within nine separate buildings. Three of the units are required to be restricted affordable units. The three affordable units include one lower income studio, and two moderate income 2-bedroom units. The remaining units are available for sale and/or rent. The project also includes the grading and improvements which will impact the entire 0.67 acre parcel, and the construction of 25 parking spaces located throughout the project site. The project will result in the demolition of the existing schoolhouse building. The project includes off-site street improvements which include widening and installing curb, gutter, and sidewalk along San Luis street.
  - b. maximum height is 25' from average natural grade.
  - c. This development includes the sale and/or rental of 14 residential units, three of which are dedicated affordable. The remaining market rate units may not **be used as vacation rentals** or rentals for transient use less than 30 days by a renter. A renting party shall agree to a 30-day minimum contract (i.e. month to month rental agreement), and that unit can not be rented or contracted to multiple parties during a single 30 day time period.

***Conditions required to be completed at the time of application for construction permits***

***Site Development***

2. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, architectural elevations and landscape plan.
3. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

***Fire Safety***

4. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated April 11, 2005.

***Services***

5. **At the time of application for construction permits**, the applicant shall provide a letter from Avila Beach CSD stating they are willing and able to service the property.



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***Conditions to be completed prior to issuance of a construction permit***

*Fees*

6. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.

*Air Quality*

7. Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. Prior to issuance of any construction permit to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.
8. **Prior to issuance of building permits**, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc.
9. Pellet-fueled woodheaters; or dedicated gas-fired fireplaces. **Prior to construction permit** issuance, such devices shall be shown on all applicable plans.

*Cultural Resources*

10. Prior to issuance of construction permit, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall consider the reports prepared previously and shall include at a minimum:
  - A. List of personnel involved in the monitoring activities;
  - B. Description of how the monitoring shall occur;
  - C. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
  - D. Description of what resources are expected to be encountered;
  - E. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered “significant” archaeological resources?);
  - F. Description of procedures for halting work on the site and notification procedures;
  - G. Description of monitoring reporting procedures.

***Conditions to be completed during project construction***

*Building Height*

11. **The maximum height of the project is 25' feet from average natural grade.**

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- a. **Prior to any site disturbance**, a licensed surveyor or civil engineer shall stake the lot corners, building corners, and establish average natural grade and set a reference point (benchmark).
- b. **Prior to approval of the foundation inspection**, the benchmark shall be inspected by a building inspector prior to pouring footings or retaining walls, as an added precaution.
- c. **Prior to approval of the roof nailing inspection**, the applicant shall provide the building inspector with documentation that gives the height reference, the allowable height and the actual height of the structure. This certification shall be prepared by a licensed surveyor or civil engineer.

*Air Quality*

12. Only the following types of wood burning devices shall be allowed (based on District Rule 504):
  - a) EPA-Certified Phase II wood burning devices;
  - b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab;
  - c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab;
  - d) pellet-fueled woodheaters; or dedicated gas-fired fireplaces. Prior to construction permit issuance, such devices shall be shown on all applicable plans.

*Dust During Construction*

13. The applicant shall reduce the amount of disturbed area where possible
14. The applicant shall use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
15. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
16. Building pads should be laid as soon as possible after grading unless seeding or soil.

4-15

*Cultural Resources*

17. During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

**Conditions to be completed prior to occupancy or final building inspection /establishment of the use**

18. Landscaping in accordance with the approved landscaping plan shall be installed or bonded for before final building inspection. If bonded for, landscaping shall be installed within 60 days after final building. All landscaping shall be maintained in a viable condition in perpetuity.
19. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF of all required fire/life safety measures.
20. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

*Cultural Resources*

21. Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

**On-going conditions of approval (valid for the life of the project)**

22. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 23.02.042 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
23. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Land Use Ordinance.

4-16

**EXHIBIT C**  
**FINDINGS TENTATIVE VESTING TRACT MAP 22667**

*Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on September 29, 2005 for this project. Mitigation measures are proposed to address air quality, cultural resources, geology and soils, public services/utilities, and recreation, and are included as conditions of approval.

*Tentative Map*

- B. The proposed map is consistent with applicable county general and specific plans because it complies with applicable area plan standards and is being subdivided in a consistent manner with the Residential Multi Family land use category.
- C. The proposed map is consistent with the county zoning and subdivision ordinances because the parcels meet the minimum parcel size set by the Land Use Ordinance and the design standards of the Real Property Division Ordinance.
- D. The design and improvement of the proposed subdivision are consistent with the applicable county general and specific plans because the required improvements will be completed consistent with county ordinance and conditions of approval and the design of the parcels meets applicable policies of the general plan and ordinances
- E. The site is physically suitable for the type of development proposed because the proposed parcels contain adequate area for development of the proposed planned unit development which will include 14 residential units and associated parking.
- F. The site is physically suitable for the proposed density of the development proposed because the site can adequately support the proposed multi-family planned unit development. The site is suitable for a high density project, and the project as proposed is slightly lower than a medium intensity under the Coastal Zone Land Use Ordinance.
- G. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because The project site does not contain any substantial sensitive habitat areas or any special status species. The project is currently entirely disturbed and contains an existing schoolhouse, large paved play area, and graded parking lot with ornamental vegetation.
- H. The design of the subdivision or the type of improvement will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.
- I. The proposed map complies with Section 66474.6 of the State Subdivision Map Act, as to methods of handling and discharge of waste.

4-17

*Archeological Sensitive Area*

- J. The site design and development incorporate adequate measures to ensure that archeological resources will be acceptably and adequately protected because the project is conditioned to include a monitoring plan which will require a qualified professional approved by the county to monitoring any ground disturbing activities.

*Coastal Access*

- K. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas

4-18

**EXHIBIT D**  
**CONDITIONS FOR VESTING TENTATIVE TRACT MAP 2667**

**Approved Project**

1. Request by Shear Edge Development for a vesting tentative Tract Map to subdivide an existing 0.67 acre parcel into eleven parcels ranging from 784 square feet to 4,658 square feet each for the development of fourteen individual sellable and rentable residential units within nine separate buildings. The project includes off-site street improvements which include widening and installing curb, gutter, and sidewalk along San Luis street.

**Access and Improvements**

2. Roads and/or streets to be constructed to the following standards:
  - a. San Luis Street and San Antonia Street widened to comply with the Avila Beach Specific Plan fronting the property.
3. The applicant offer for dedication to the public by certificate on the map or by separate document:
  - a. A 20 foot radius property line return at the intersection of San Luis Street and San Antonia Street.
4. A private easement be reserved on the map for access to lots 1 through 11

**Improvement Plans**

5. Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:
  - a. Street plan and profile.
  - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
  - c. Water plan (County Health).
  - d. Sewer plan (County Health).
  - e. Grading and erosion control plan for subdivision related improvement locations.
  - f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
  - g. The project is required to incorporate Best Management Practices (BMP's) to address storm water runoff. The combined set of BMP's shall be designed to treat and infiltrate storm water runoff up to and including the 85<sup>th</sup> percentile storm event. The proposed is conditioned to include BMP's in the grading and drainage plans to meet this requirement.
6. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the

4-19

county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

7. The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

#### **Drainage**

8. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program.

#### **Utilities**

9. Electric and telephone lines shall be installed underground.
10. Cable T.V. conduits shall be installed in the street.
11. Gas lines shall be installed.

#### **Design**

12. The lots shall be numbered in sequence.
13. The old schoolhouse shall be removed or brought into conformance with the Coastal Zone Land Use Ordinance prior to filing the final parcel or tract map. A demolition permit will be required.

#### **Vector Control and Solid Waste**

14. **Prior to Recordation** a determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet Coastal Zone Land Use Ordinance requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

#### **Fire Protection**

15. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
16. Designate a fire lane within all the driveway areas. This lane to be a minimum width of twenty (20) feet.

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**Parks and Recreation (Quimby) Fees**

17. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.

**Affordable Housing Fee**

18. Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

**Landscape Plans**

19. All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within 60 days of completion of the improvements.

**Additional Map Sheet**

20. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
  - a. The additional map sheet shall contain the final conditions of approval for the Development Plan/Coastal Development Permit as they are shown in the Notice of Final Action.

**Covenants, Conditions and Restrictions**

21. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:
  - a. Maintenance of landscaping.
  - b. Maintenance of common areas.
  - c. Maintenance of all driveways within the subdivision.

**Miscellaneous**

22. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and sewer, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.



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23. A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary **prior to filing the map.**

**Affordable Housing Requirement**

24. The residential units located on parcels 7, 8, and 9 shall be retained as affordable rental or ownership units for lower and moderate income households, pursuant to LUO Section 23.04.094. Prior to or concurrent with map recordation, the subdivider shall enter into a recorded agreement with the County to assure the provision of the affordable units. Said agreement shall be acceptable to County Counsel. Any exceptions allowed by LUO 23.04.094a(4) and/or LUO 23.04.094d(3) shall apply to ownership units at the time of sale of the unit.
25. Provide three residential units for low and moderate income families as defined by Section 50093 of the Health and Safety Code as part of the proposed project. The agreement with the county for the development will include acknowledgment that it is feasible to provide a level of affordable housing in conjunction with this project.

4-22

STANDARD CONDITIONS OF APPROVAL FOR  
SUBDIVISIONS USING COMMUNITY WATER AND SEWER

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved community water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to the county Health Department for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Water main extensions, laterals to each parcel and related facilities (except well(s)) may be bonded for subject to the approval of county Public Works, the county Health Department and the public water utility.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by the county Health Officer.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and county Health Department destruction standards. The applicant is required to obtain a permit from the county Health Department.
5. When a potentially operational or operational auxiliary water supply in the form of an existing well(s) is located on the parcels created and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection prior to occupancy. (Chapter 8.30, San Luis Obispo County Ordinance)
6. Sewer service shall be obtained from the community sewage disposal system.
7. Prior to the filing of the map a "final will serve" letter be obtained and submitted to the county Health for review and approval stating that community sewer system service is immediately available for connection to the parcels created. Sewer main extensions may be bonded for, subject to the approval of county Public Works and sewer district.
8. No residential building permits shall be issued until community sewers are operational and available for connection.
9. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
10. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
11. Any existing reservoir or drainage swale on the property shall be delineated on the map.

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12. Prior to submission of the map "checkprints" to county Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
13. Required public utility easements shall be shown on the map.
14. Approved street names shall be shown on the map.
15. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
16. The developer shall submit a preliminary subdivision guarantee to county Public Works for review prior to the filing of the map.
17. Any private easements on the property shall be shown on the map with recording data.
18. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the filing of the map.
19. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
20. A map shall be filed in accordance with Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
21. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.

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Avila Valley Advisory Council  
Avila Beach Subcommittee Report  
September 16, 2005

**Cerro de Avila**  
**Shear Edge Development**  
**(Existing site of Avila Schoolhouse)**

The Cerro de Avila project will request approval of a Vesting Tentative Tract Map to subdivide an existing 0.67 acre parcel into twelve parcels for the development of 14 residential units at the Planning Commission. They will then go through the lot subdivision process. It is necessary that County Planning Department does not approve a grading permit. Instead, an Improvement Plan that incorporates all the following conditions, including grading, be approved by the County Engineer. The following conditions and/or concerns per Avila Beach Committee notes of August 8, 2005, should be attached and addressed:

**Perceived Bulk of the Project.** The committee feels that a project so large should be visually separated by **spacing and/or color differentiation of the buildings and roofs** in order to reduce the impression of bulk. The Specific Plan calls for colorful projects, and this one is stark white. The project managers feel that color differentiation would not be appropriate to the Spanish style of the architecture, that they prefer a look that is described as "clean and not too busy." Their preference is to maintain a white or off-white color for the entire project. *This project is obviously inconsistent with the neighborhood.* In addition, it is requested by the committee that **building spacing be at a maximum.**

**Size of the Retaining Wall that Fronts San Luis Street** (currently 5 feet 9 inches, but designed to increase to approximately 8 feet). The project representatives indicated that the landscaping behind the wall was designed to flow over it for approximately two feet and that it might even cascade farther.

**Parking Spaces.** It was pointed out that the **back out spaces for some of the stalls were not wide enough.** The project representatives indicated that they would review those locations and make certain that they will be adequate, even if it requires moving or removing one or more of the landscaping planters.

**Bike Racks.** The project will contain two racks.

**Trash Enclosure.** The committee would like to see the **trash bins area covered**, as there are adjacent properties that will be looking at the area from above. The project representatives indicated that they would consider a shed roof.

**Roof Slope.**

It needs to be specified that all of the project plan sheets should be included and that grading is excluded.

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Cerro de Avila /Shear Edge Development

Page 2

**School House.** The project plans include the **demolition of the school house**. The **community is very desirous of retaining the school house on the property** and feels that it has a definitive historic context within the community, contrary to the Bertrando & Bertrando Historic Resource Evaluation Report of July 5, 2005, which concludes that it does not.

**SB1818** If the County is invoking SB 1818 for variances due to the inclusion of moderate and low cost housing, then SB 1818 needs to be clearly defined, specifically as it relates to this project, and should be justified with the Land Use Ordinance.

**Minor Use Permit** It was suggested that a Minor Use permit *for each building* would assist in having the project meet the requirements and spirit of the Specific Plan.

**Vacation Rentals**

This subject also relates to Cerro de Avila, as they are planning to include vacation rentals, which is *a departure from the intention originally stated to the Committee, AVAC and the County*. It was pointed out that there is a conflict between the commercial aspect of vacation rentals on this site, as it is in a residential area, and hence the **vacation rentals are not consistent with the zoning and the nature of the neighborhood.**

Robert Pusanik and Karla Bittner spoke to the School Board about this subject, and the Board indicated that they were going to leave the decision regarding vacation rentals to the manager of the project and they would not revise their contract before approval.

It is also becoming clear, contrary to what the Committee, AVAC and the County were led to believe, that Charter School teachers will not qualify for any of the housing created by this project.

Archie will contact Supervisors Lenthal, Achadjian and Bianchi regarding the details of the Vacation Rental ordinance and the potential for Avila Beach to be therein included.

Respectfully submitted:

Archie McClaren,

Avila Beach Committee Chairperson



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SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

FEB 25 2005

DATE:

2/25/05

FROM

PW



Coastal Team

(Please direct response to the above)

Shear/Edge Dev.

SUB 2004-00259

Project Name and Number

Development Review Section (Phone:

788-2009)

\*OR ASK THE SWITCH-  
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION:

Conc. TR. MAP w/ CUP. (TR 2667).  
Located in Avila Beach, on the corner of San Luis St.  
& San Antonio St. Size of site: .67 acre, or 29,164 SF.  
APN: 076-221-003. (Cerro De Avila)

\* Return this letter with your comments attached no later than:

3/14/05. Thank You.

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

?  
\_\_\_\_\_  
\_\_\_\_\_

YES  
NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

?  
\_\_\_\_\_  
\_\_\_\_\_

NO  
YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

RECOMMEND APPROVAL. NO TITLE REPORT IN RETURN/ PACKING.

STOCK CONDITIONS ATTACHED.

14 MARCH 2005  
Date

GOODWIN  
Name

5252  
Phone

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# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

**received**  
**2-28-05**

DATE:

2/25/05

TO:

Avila CSD

Shear/Edge Dev.

FROM:

Coastal Team

(Please direct response to the above)

SUB 2004-00259

Project Name and Number

Development Review Section (Phone: 788-2009)

\*OR ASK THE SWITCH-  
BOARD FOR THE PLANNERS

PROJECT DESCRIPTION:

CONC. TR. MAP w/ CUP. (TR 2667).  
Located in Avila Beach, on the corner of San Luis St.  
& San Antonio St. Size of site: .67 acre, or 29,164 SF.  
APN: 076-221-003. (Cerro De Avila)

\* Return this letter with your comments attached no later than:

3/14/05 Thank You.

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X

YES  
NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

X

NO (Please go on to Part III)

YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

## Project Referral Conditions Response

Project # SUB 2004-00259 Shear/Edge Dev  
Multi - Family Residential Use  
San Luis & San Antonio, Avila Beach

This project will need to apply for water and sewer service from the Avila Beach CSD. The project will require a Preliminary Will Serve as well as a Final Will Serve and must meet all other conditions of approval in accordance with the District's ordinances and standards. For any questions to the District please contact Administrative staff at 595-2664.

3/1/05

John L. Wallace, General Manager

595-2664



# AIR POLLUTION CONTROL DISTRICT

COUNTY OF SAN LUIS OBISPO

Date: March 11, 2005

To: Coastal Team  
San Luis Obispo County Department of Planning and Building

From: Melissa Guise *MG*  
San Luis Obispo County Air Pollution Control District

SUBJECT: Cerro De Avila (SUB 2004 -00259)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 190 San Antonio Street, in Avila Beach. The project as proposed includes a 14 unit residential development on approximately 0.67 acres. We have the following comments regarding this proposal.

## GENERAL COMMENTS:

APCD staff supports the proposal development. Allowing for infill within the existing urban reserve line is consistent with the goals and policies of the Clean Air Plan. Increasing density can reduce trips and travel distances and encourage the use of alternative forms of transportation.

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

## I. Construction Phase Emissions

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
- Building pads should be laid as soon as possible after grading unless seeding or soil.

## Demolition Activities

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition, relocation, or remodeling of existing



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Cerro De Avila/Tract 2667 (SUB 2004-00259)

March 11, 2005

Page 2 of 3

buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHAP). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the APCD Enforcement Division at 781-5912 for further information.

#### Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the District. Please refer to the District web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Karen Brooks of our Enforcement Division at 781-5912.

#### Portable Equipment Permit or Registration Requirements

Portable equipment greater than 50 horsepower (hp) used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or a District permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive.

- Portable generators greater than 50 hp
- IC Engines
- Concrete batch plants
- Rock and pavement crushing
- Tub grinders
- Trommel screens

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

#### II. Operational Phase Emissions

District staff conducted a screening level air quality impact assessment for the operational emissions from this project based on the information provided in the project referral. The screening data indicated the project will not likely exceed the District's CEQA Tier I significance threshold

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Cerro De Avila/Tract 2667 (SUB 2004-00259)  
March 11, 2005  
Page 3 of 3

(10 lb/day). Therefore no specific mitigation measures are required. However if wood burning devices are installed in the dwelling units they will need to comply with District Rule 504. **Under District Rule 504, only District approved wood burning devices can be installed in new dwelling units.** District approved devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact Tim Fuhs of our Enforcement Division at 781-5912.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-4667.

MAG/sll

cc: Tim Fuhs, SLOAPCD Enforcement Division  
Karen Brooks, SLOAPCD Enforcement Division  
David Dixon, SLO APCD Engineering Division  
Shear Edge Development, Applicant

Attachment: Attachment 1, NOA Construction & Grading Project - Exemption Request Form

h:\olstplan\response\3000.doc

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**ATTACHMENT 1**

# Naturally Occurring Asbestos - Construction & Grading Project - Exemption Request Form

Send To:

San Luis Obispo County Air  
Pollution Control District  
3433 Roberto Court  
San Luis Obispo, CA 93401

Fax: (805) 781-1002



Applicant Information/ Property Owner		Project Name	
Address		Project Address and /or Assessors Parcel Number	
City, State, Zip		City, State, Zip	
Phone Number	Date Submitted	Agent	Phone Number

The District may provide an exemption from Section 93105 of the California Code of Regulations - Asbestos Airborne Toxic Control Measure For Construction, Grading, Quarrying, And Surface Mining Operations for any property that has any portion of the area to be disturbed located in a geographic ultramafic rock unit; if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the District for consideration. The District will approve or deny the exemption within 90 days. An outline of the required geological evaluation is provided in the District handout "**ASBESTOS AIRBORNE TOXIC CONTROL MEASURES FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS - Geological Evaluation Requirements**".

APPLICANT MUST SIGNATURE	
I request the San Luis Obispo Air Pollution Control District grant this project exemption from the requirements of the ATCM based on the attached geological evaluation.	
Legal Declaration/Authorized Signature:	
Date:	

OFFICIAL USE ONLY - APCD Required Element - Geological Evaluation			
APCD Staff:		Intake Date:	OIS Tracking Number:
Approved	Not Approved	APCD Staff:	Date Reviewed:
Comments:			



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County of San Luis Obispo • Public Health Department

*Environmental Health Services*

2156 Sierra Way • P.O. Box 1489  
San Luis Obispo, California 93406  
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.  
County Health Officer  
Public Health Director

Curtis A. Batson, R.E.H.S.  
Director

February 15, 2005

Shear Edge Development  
P.O. Box 6070  
Los Osos, CA 93412

**ATTN: JEFF EDWARDS/MICHAEL HODGE**  
**RE: TENTATIVE TRACT MAP 2667 (San Luis Coastal School Dist.)**  
**APN 076,221,003**

Water Supply and Wastewater Disposal

This office is in receipt of satisfactory **preliminary** information that the Avila Beach Community Services District will provide water and sewer service to the referenced tract map. Be advised that prior to final recordation of the map a final can and will serve letter from the Avila Beach Community Services District will have to be submitted and approved by the Division of Environmental Health. Prior to final map recordation, water and sewer improvements shall be built to each parcel or a monetary bond submitted to perform the work at a later date.

**TRACT 2667** is approved for map processing.

*Laurie A. Salo*

LAURIE A. SALO, R.E.H.S.  
Senior Environmental Health Specialist  
Land Use Section

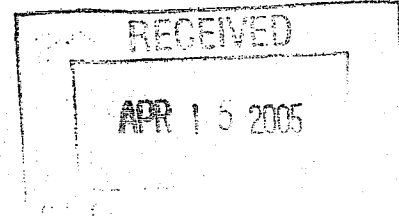
c: Kami Griffin, County Planning  
Coastal Team, County Planning  
Avila Beach CSD  
San Luis Coastal Unified School District, Owner



JRC  
CDF/San Luis Obispo County  
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

4-34  
April 11, 2005



County of San Luis Obispo  
Department of Planning/Building  
County Government Center  
San Luis Obispo, CA 93408

Dear Coastal Team,

## **TRACT MAP & CONDITIONAL USE PERMIT PLAN**

**Name: Shear/Edge Dev. Project Number: SUB2004-00259**

The Department has reviewed the tract map & conditional use permit plans submitted for the proposed subdivision and single family complex project located at 190 San Antonio St., Avila Beach. The property is located within high fire hazard severity area, and will require a minimum 5 minute response time from the nearest County Fire Station.

The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:

### **BUILDING SETBACKS**

The San Luis Obispo County Planning and Building Department shall establish setbacks for all parcels that cannot meet standard setback requirements.

The San Luis Obispo County Planning and Building Department shall establish setbacks for all parcels less than one acre.

### **ROOF COVERING**

The roof type will have to be consistent with the requirements of Table 15A of the 2001 CBC and no less than a Class B roof. Wood-shake or shingle roofs are prohibited in Avila Beach.

### **FIRE FLOW**

Fire Flow requirements will have to comply with Appendix IIIA of the CFC. No less than 1500 GPM for 120 minutes at 20 PSI. Hydrant will be within 150 ft. of any exterior wall. Hydrant system plans shall be approved by the fire department prior to construction.

### **FIRE PROTECTION SYSTEMS**

Avila Beach requires that all building exceeding 1000 sq. ft. must have fire protection sprinklers. The automatic fire extinguishing system shall comply with NFPA 13D. Two sets of plans shall be submitted to the County Fire Department for approval. A letter from the monitoring company shall be submitted to the County Fire Department verifying service.

We require that a Fire Protection Engineer review the Fire Protection Systems for this project (UFC 103.1.1). A list of Fire Protection Engineers, it is available on our website at [www.cdfslo.org](http://www.cdfslo.org). The Fire Protection Engineer will require working plans as outlined in NFPA 13, 6-1 (1996). The Fire Protection Engineer will be required to send the County Fire Department an original letter of the project review they conducted complete with the changes needed.

### **ACCESS**

Access road width shall be 18 feet.

All road and driveway surfaces shall be all weather.

All surfaces shall be constructed to meet a load capacity of 20 tons.

Any grade exceeding 12% shall be a non-skid surface.

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## ADDRESSING

Legible address numbers shall be placed on all residences.  
All residences shall be assigned a separate address.  
Legible address numbers shall be located at the driveway entrance.

## VEGETATION CLEARANCE

To provide safety and defensible space the following shall be required:  
To each side of roads and driveways a 10-foot fuelbreak shall be provided.  
Maintain around all structures a 30-foot firebreak.

➤ This does not apply to landscaped areas and plants.

Remove any part of a tree that is within 10 feet of a chimney outlet.  
Maintain any tree adjacent to or overhanging any building free of deadwood.  
Maintain the roof of any structure free of leaves, needles or other dead vegetative growth.

## FINAL INSPECTION

The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently Southern San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at [www.cdfslo.org](http://www.cdfslo.org) ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,



Gilbert R. Portillo

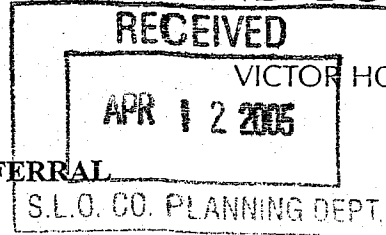
Fire Inspector

C: Shear Edge Development  
Jeff Edwards



# DEPARTMENT OF PLANNING AND BUILDING

2005 FEB 25 PM 1:53



THIS IS A NEW PROJECT REFERRAL

DATE: 2/25/05 04/11/05  
 From: Parks  
 To: Coastal Team  
 (Please direct response to the above)

Shear/Edge Dev.

SUB 2004-00259

Project Name and Number

Development Review Section (Phone: 788-2009)

\*OR ASK THE SWITCH-BOARD FOR THE PLANNING

PROJECT DESCRIPTION: CONC. TR. MAP w/ CUP. (TR 2667).  
Located in Avila Beach, on the corner of San Luis St.  
& San Antonio St. Size of site: .67 acre, or 29,164 SF.  
APN: 076-221-003. (Cerro De Avila)

\* Return this letter with your comments attached no later than: 3/14/05 Thank You.

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO (Please go on to Part III)  
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Require payment of Quimby fees and applicable  
Building Division fees.

04/11/05  
 Date

Jan Dille  
 Name

4089  
 Phone





JRC 4-37 20  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 2/25/05  
TO: Charter  
FROM: Coastal Team  
(Please direct response to the above)

Shear/Edge Dev.

SUB 2004-00259  
Project Name and Number

Development Review Section (Phone: 788-2009)

\*OR ASK THE SWITCH-  
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION: Conc. TR. MAP w/ CUP. (TR 2667).  
Located in Avila Beach, on the corner of San Luis St.  
& San Antonio St. Size of site: .67 acre, or 29,164 SF.  
APN: 076-221-003. (Cerro De Avila)

\* Return this letter with your comments attached no later than: 3/14/05 Thank You.

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

X YES  
NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

X NO (Please go on to Part III)  
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

CATU will service new tract Data & Video

4-7-05  
Date

[Signature]  
Name

2166-4423  
Phone

4-38

October 3, 2005

Board of Trustees  
San Luis Coastal Unified School District  
1500 Lizzie Street  
San Luis Obispo, CA  
93401

Subject: Cerro de Avila Development

Dear Board Members,

I was disappointed to read in The Tribune recently that there are plans to demolish the Avila School and replace it with a condo project. I was even more taken aback to read that the property is owned by the San Luis Coastal Unified School District. I am writing to urge you to do all that you can to save the historic, lovely building.

I understand the District's need for funds. As a member of former Superintendent Ladd's Superintendent's Advisory Committee, I worked with others to look at the District's property with the idea of raising revenue by leasing it out or selling it. (Oddly, we were never advised of the property where the Avila School is located). Therefore, I have no objection to the concept of using District property to improve the District's financial condition. What I do object to are the plans to destroy the school building itself.

I don't know if the building is on any list of historic buildings, but if not it certainly should be. For years and years, motorists driving on Highway 101 have had the pleasure of glancing to their left after leaving Shell Beach and enjoying the school's wonderful reminder of our County's rural, country life.

It certainly would seem feasible for the developer to preserve the school building. A good project design could make the building a wonderful amenity for the development. At the very least, the building should be preserved and relocated on the property, or, perhaps, to the nearby railway museum property.

I realize your main mission is education, not property development. But preserving important historical structures educates youngsters, residents and visitors about our County's past. So it is an important part of your mission to preserve our heritage.

Thank you for considering my views.

Sincerely,

Kent M. Taylor  
1295 Descanso St.  
San Luis Obispo, CA 93405

cc: San Luis Obispo County Planning Commission  
✓ Avila Beach Community Advisory Council  
San Luis Obispo County Historical Society

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**COUNTY OF SAN LUIS OBISPO**  
**MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION**

FOR OFFICIAL USE ONLY (RH)

**ENVIRONMENTAL DETERMINATION NO. ED05-039**

**DATE: September 29, 2005 &  
 amended on Oct 21, 2005**

**PROJECT/ENTITLEMENT:** Shear Edge Development Coastal Development Permit and Tract Map SUB2004-00259

**APPLICANT NAME:** Shear Edge Development  
**ADDRESS:** PO Box 6070, Los Osos, CA 93412

**CONTACT PERSON:** Jeff Edwards/Mike Hodge **Telephone:** 805-528-1567

**PROPOSED USES/INTENT:** Request by Shear Edge Development to allow for a 1) planned development the development of fourteen residential units within nine structures, 2) subdivision of an existing 0.67 acre parcel in to eleven parcels ranging from 785 to 4,658 square feet each, which will result in the disturbance of the entire parcel, and 3) demolition of existing building (previous schoolhouse).

The project description has been amended on October 21, 2005. The amendment includes the creation of eleven parcels with the proposed tract map, rather than twelve. This change does not have an effect on the content of the Mitigated Negative Declaration other than the project description. All other portions of the environmental document remain unchanged.

**LOCATION:** The proposed project is within the Residential Multi-Family land use category, and is located on the southwest corner of San Luis Street, at 190 San Antonia Street, in the community of Avila Beach.

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
 County Government Center, Rm. 310  
 San Luis Obispo, CA 93408-2040

**OTHER POTENTIAL PERMITTING AGENCIES:** None

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

**COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT .....5 p.m. on October 13, 2005**  
**30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification**

**Notice of Determination**

**State Clearinghouse No. \_\_\_\_\_**

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ Lead Agency  
☐ Responsible Agency approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,  
 County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

<b>Signature</b>	<b>Project Manager Name</b>	<b>Date</b>	<b>Public Agency</b>
------------------	-----------------------------	-------------	----------------------

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California Department of Fish and Game  
**CERTIFICATE OF FEE EXEMPTION**  
De Minimis Impact Finding

**PROJECT TITLE & NUMBER:** Cerro De Avila SUB2004-00259

**Project Applicant**

Name: Shear Edge Development  
Address: PO Box 6070  
City, State, Zip Code: Los Osos, CA 93412  
Telephone #: 805-528-1567

**PROJECT DESCRIPTION/LOCATION:** See attached Notice of Determination

**FINDINGS OF EXEMPTION:**

There is no evidence before this agency that the proposed project has the potential for adverse effect on wildlife resources for one or more of the following reason(s):

- ☒ (X) The project is located in an urbanized area that does not contain substantial fish or wildlife resources or their habitat.
- ☐ ( ) The project is located in a highly disturbed area that does not contain substantial fish or wildlife resources or their habitat.
- ☐ ( ) The project is of a limited size and scope and is not located in close proximity to significant wildlife habitat.
- ☐ ( ) The applicable filing fees have/will be collected at the time of issuance of other County approvals for this project. Reference Document Name and No. \_\_\_\_\_.
- ☐ ( ) Other: \_\_\_\_\_

**CERTIFICATION:**

I hereby certify that the lead agency has made the above findings of fact and that, based upon the initial study and the hearing record, the project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

Ryan Hadden for,  
Elle Carroll, Environmental Coordinator  
County of San Luis Obispo

Date: 9/20/05

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**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & No.** Shear Edge Development Tract Map and Development Plan  
SUB2004-00259 ED 05-039

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

<input type="checkbox"/> Aesthetics	<input checked="" type="checkbox"/> Geology and Soils	<input checked="" type="checkbox"/> Recreation
<input type="checkbox"/> Agricultural Resources	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Transportation/Circulation
<input checked="" type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Wastewater
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Water
<input checked="" type="checkbox"/> Cultural Resources	<input checked="" type="checkbox"/> Public Services/Utilities	<input type="checkbox"/> Land Use

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Ryan Hostetter Ryan Hostetter 9/21/05  
Prepared by (Print) Signature Date

Steven McMaster Ellen Carroll 9/20/05  
Reviewed by (Print) Signature (for) Environmental Coordinator Date

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### **Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

### **A. PROJECT**

**DESCRIPTION:** Request by Shear Edge Development for a vesting tentative Tract Map/Development Plan/Coastal Development Permit to subdivide an existing 0.67 acre parcel into twelve parcels ranging from 784 square feet to 4,658 square feet each for the development of fourteen individual sellable and rentable residential units within nine separate buildings. The project will result in the demolition of the existing schoolhouse building and grading of the site resulting in disturbance of the entire 0.67 acre parcel. The project includes off-site street improvements which include widening and installing curb, gutter, and sidewalk along San Luis street. The proposed project is within the Residential Multi-Family land use category and is located at 190 San Antonia Street, on the corner of San Antonia Street and San Luis Street in the community of Avila Beach. The site is in the San Luis Bay (coastal) planning area.

**ASSESSOR PARCEL NUMBER(S):** 076-221-003

**SUPERVISORIAL DISTRICT #** 3

### **B. EXISTING SETTING**

**PLANNING AREA:** San Luis Bay(Coastal), Avila Beach

**LAND USE CATEGORY:** Residential Multi-Family

**COMBINING DESIGNATION(S):** Archaeologically Sensitive, Local Coastal Plan/Program  
, Coastal Appealable Zone

**EXISTING USES:** Site currently contains the old Avila Schoolhouse

**TOPOGRAPHY:** Nearly level to steeply sloping

**VEGETATION:** Grasses , ornamental landscaping

**PARCEL SIZE:** 0.67 acres

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**SURROUNDING LAND USE CATEGORIES AND USES:**

<i>North:</i> Residential Multi-Family; residential	<i>East:</i> Residential Single Family; residential
<i>South:</i> Residential Multi-Family; undeveloped	<i>West:</i> Residential Multi-Family; undeveloped

**C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY CHECKLIST**

1.	<b>AESTHETICS – Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a)	<i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b)	<i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c)	<i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d)	<i>Create glare or night lighting, which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e)	<i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f)	<i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is located on the corner of San Antonia and San Luis Streets which is within a developed residential neighborhood. There are other projects within the close proximity of the project site that are of similar scale and massing (Avila Apartments, another apartment building across San Luis Street, and Peoples Self Help Housing one block away). There are also other very large new single family residences that are of similar scale directly across San Antonia Street from the project site. The project is considered compatible with the surrounding uses and surrounding neighborhood.

**Impact.** No significant visual impacts are expected to occur.

**Mitigation/Conclusion.** No mitigation measures are necessary.

**2. AGRICULTURAL RESOURCES***- Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The soil types include: Gazos-Lodo clay loams, (15 - 30 % slope). As described in the Natural Resource Conservation Service Soil Survey, the "non-irrigated" soil class is "IV", and the "irrigated" soil class is "NA".

**Impact.** The project is located in a predominantly non-agricultural area with no agricultural activities occurring on the property or immediate vicinity. No significant impacts to agricultural resources are anticipated.

**Mitigation/Conclusion.** No mitigation measures are necessary.

**3. AIR QUALITY - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The Air Pollution Control District (APCD) has developed the CEQA Air Quality Handbook to evaluate project specific impacts and help determine if air quality mitigation measures are needed, or if potentially significant impacts could result. To evaluate long-term emissions, cumulative effects, and establish countywide programs to reach acceptable air quality levels, a Clean Air Plan has been



adopted (prepared by APCD).

**Impact.** As proposed, the project will result in the disturbance of approximately 0.67 acres. This will result in the creation of construction dust, as well as short- and long-term vehicle emissions. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below thresholds warranting any mitigation. The project is consistent with the general level of development anticipated and projected in the Clean Air Plan. No significant air quality impacts are expected to occur.

**Mitigation/Conclusion.** Mitigation measures are proposed to reduce air quality impacts during the construction phase. These mitigation measures are proposed specifically for dust, construction equipment, and possible asbestos during demolition of the existing structure. See the mitigation summary table at the end of this document for specific requirements.

4. BIOLOGICAL RESOURCES - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors, which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The following habitats were observed on the proposed project: Grasses Based on the latest California Diversity database and other biological references, the following species or sensitive habitats were identified:

**Plants:** Black-flowered Figwort (*Scrophularia atrata*) app. 1.0 mile east of the property; Wells Manzanita (*Arctostaphylos wellsii*) app. 1.0 mile east of the property; Obispo Indian Paintbrush (*Castilleja densiflora obispoensis*) app. 1.0 mile east of the property

**Wildlife:** California Red Legged Frog (*Rana aurora draytonii*); Tidewater Goby (*Eucyclogobius newberryi*) app. 0.15 mile north of the property, and 0.2 mile north of the property;

**Habitats:** Coastal Oak Woodland (Scattered <10% Density) app. 0.2 mile north of the property, (High 76 to 100% Density) app. 0.5 mile northeast of the property; Potential Pismo Clarkia (*Clarkia speciosa immaculata*) app. 0.9 mile northeast of the property

**Impact.** The project site is mostly developed and does not support any sensitive native vegetation, significant wildlife habitats, or special status species.

**Mitigation/Conclusion.** No significant biological impacts are expected to occur, and no mitigation measures are necessary.

**5. CULTURAL RESOURCES -**  
**Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Disturb pre-historic resources?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Disturb historic resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Disturb paleontological resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is located in an area historically occupied by the Obispeno Chumash. A Phase I (surface) survey was conducted (Bertrando & Bertrando September 25, 2003), a Phase II survey was conducted (Bertrando & Bertrando February 10, 2004), and a Historic Resource Evaluation Report was conducted on the site (Bertrando & Bertrando January 2004). Evidence of pre-historic cultural materials were noted on the property. No paleontological resources are known to exist in the area. The project site contains the old Avila School, constructed originally in 1901.

The structure was evaluated in the Historic Resource Evaluation Report (Bertrando & Bertrando, 2004) to determine if it qualified as a "historical resource" under section 15064.5 of the California Environmental Quality Act. The report concluded that the structure was not on the National or California Register of Historical Resources, or on a local register (does not have an "H" designation in the applicable Area Plan). In addition the report applied the criteria in CEQA including:

1. Is the structure associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;  
*The report found that: "The current Avila School was one of four buildings used to educate the youth of Avila Beach and it was the one used the longest. It served its function well but did not make '...a significant contribution to the broad patterns of California's history and cultural heritage'*
2. Is it associated with the lives of persons important in our past;  
*The report indicated that: "Among the records and listings checked, nothing turned up that would associate the school 'with the lives of persons important to our past' in the broader sense. It was, however important to the people educated there, and to those who remain, the school provides a strong local connection."*
3. Does it embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values;  
*The report found that: "In assessing the integrity of an historic building one determines whether or not the schoolhouse retains the identity for the period of its significance. The period of its significance is not reflected in the building as it currently appears. Setting and structure changes have removed the historical integrity of the school. The features that provided its historic identity are no longer in evidence."*

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4. Has yielded, or may be likely to yield information important in prehistory or history.  
*The Phase I and Phase II surveys identified pre-historic resources on the project site. While these resources have been significantly disturbed by past development, they still have the ability or potential to yield important information on the prehistory of the area.*

The Historic Resources Evaluation Report studied past records for information relation to the school's importance relating to Avila's pre-history and history. Specifically evaluated and studied were San Luis Obispo County Historical Society Collection, former Avila School students, Avila Beach Historian Harold Martin, Vicente Canet's Avila School History Collection, the National Register of Historic Places, the California Inventory of Historic Resources, and California Historical Landmarks and Points of Interest for San Luis Obispo County. None of these sources yielded any information that allows the schoolhouse to be considered a significant historical resource.

**Impact.** Impacts to pre-historic cultural resources will be affected during the demolition of the existing structures and development of the site due to grading and other ground disturbing activities. The Historic Resource Evaluation Report however found no significant historic resources on the property, thus no impact to historic resources will occur as a result of the demolition of the existing structures, and re-development of the site.

**Mitigation/Conclusion** The project is required to submit a monitoring plan for review and approval of the County which is to study any potential pre-historic resources. The monitoring will provide for review and evaluation of cultural resources noted during all ground disturbing activities associated with the project. For specific mitigation measures for cultural resources (pre-historic) please refer to the mitigation summary table at the end of this report. These mitigation measures reduce cultural impacts to a less than significant level.

**6. GEOLOGY AND SOILS -**  
**Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a California Geological Survey "Alquist-Priolo Earthquake Fault Zone"?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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## 6. GEOLOGY AND SOILS -

*Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** GEOLOGY - The topography of the project is nearly level, and contains a steeply sloping man-made embankment from the existing school house to the parking lot on the north end of the property. This embankment was created when the grading for the parking lot was done many years ago. The natural slope of the area is slightly to moderately sloping. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered low. The liquefaction potential during a ground-shaking event is considered low. Active faulting is known to exist on the subject property. The project is not within a known area containing serpentine or ultramafic rock or soils.

**DRAINAGE** – The area proposed for development is outside the 100-year Flood Hazard designation. The closest creek (an unnamed stream) from the proposed development is approximately 0.15 mile to the north. As described in the Natural Resource Conservation Service Soil Survey, the soil is considered very poorly to not well drained. For areas where drainage is identified as a potential issue, the LUO (Sec. 22.52.080) includes a provision to prepare a drainage plan to minimize potential drainage impacts. When required, this plan would need to address measures such as: constructing on-site retention or detention basins, or installing surface water flow dissipaters. This plan would also need to show that the increased surface runoff would have no more impacts than that caused by historic flows.

**SEDIMENTATION AND EROSION** – The soil types include: Gazos-Lodo clay loams, (15 - 30 % slope). As described in the NRCS Soil Survey, the soil surface is considered to have moderate erodibility and moderate shrink-swell characteristics.

When highly erosive conditions exist, a sedimentation and erosion control plan is required (CZLUO Sec. 23.05.036) to minimize these impacts. When required, the plan is prepared by a civil engineer to address both temporary and long-term sedimentation and erosion impacts. Projects involving more than one acre of disturbance are subject to the preparation of a Storm Water Pollution Prevention Plan (SWPPP), which focuses on controlling storm water runoff. The Regional Water Quality Control Board is the local extension who monitors this program.

**Impact.** As proposed, the project will result in the disturbance of approximately 0.67 acres. Exposure of the soils during construction activities on the sloping areas of the property to rain and wind could result in erosion and subsequent sedimentation on or off the project site

**Mitigation/Conclusion.** A sedimentation and erosion control plan is required by the Coastal Zone Land Use Ordinance. There is no evidence that measures above what will already be required by ordinance or codes are needed.

## 7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Interfere with an emergency response or evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to safety risk associated with airport flight pattern?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Increase fire hazard risk or expose people or structures to high fire hazard conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create any other health hazard or potential hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project is not located in an area of known hazardous material contamination. The project is within a high severity risk area for fire. The project is not within the Airport Review area.

**Impact.** The project does not propose the use of hazardous materials. The project does not present a significant fire safety risk. The project is not expected to conflict with any regional evacuation plan.

**Mitigation/Conclusion.** No significant impacts as a result of hazards or hazardous materials are anticipated, and no mitigation measures are necessary.

## 8. NOISE - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels that exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**8. NOISE - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Generate increases in the ambient noise levels for adjoining areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to severe noise or vibration?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Setting.** The topography of the site is sloping with the main portion of the project site approximately seven feet higher in elevation than the San Luis Street. San Luis Street is identified as a local street but one that receives a considerable amount of traffic as one of the major routes into Avila Beach. In reviewing the County's Noise Element, the noise contour maps indicated that the northern half of the project site could be in the range of 60 to 65 dbA. The very northern portion of the property that may be exposed to noise in this range is proposed to be developed with landscaping, and a parking area. The proposed structures are all well outside the 60 dbA level as shown in the county Noise Element.

**Impact.** As proposed, future residents on the project site are located in the south-western two thirds of the property. The residences closest to San Luis Street, where the county Noise Element indicates the 60 dbA level, contain garages an outdoor parking area and driveway which buffer noise levels from San Luis Street. Indoor and outdoor activity areas will not exceed the standards of the Noise Element because they are located outside the 60 dbA area.

**Mitigation/Conclusion.** No significant noise impacts are anticipated, and no mitigation measures are necessary.

**9. POPULATION/HOUSING - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Displace existing housing or people, requiring construction of replacement housing elsewhere?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create the need for substantial new housing in the area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Use substantial amount of fuel or energy?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting** In its efforts to provide for affordable housing, the county currently administers the Home Investment Partnerships (HOME) Program and the Community Development Block Grant (CDBG)

program, which provides limited financing to projects relating to affordable housing throughout the county.

Title 18 of the County Code (Public Facilities Fees) requires that an affordable housing mitigation fee be imposed as a condition of approval of any new residential development project. The proposed project includes three dedicated affordable units out of the fourteen total units of housing.

**Impact.** The project will not result in a need for a significant amount of new housing, and will not displace existing housing.

**Mitigation/Conclusion.** No significant population and housing impacts are anticipated, and no mitigation measures are necessary.

Prior to map recordation, the applicant will pay an affordable housing mitigation fee of 3.5 percent of the adopted Public Facility Fee. This fee will not apply to any county-recognized affordable housing included within the project.

10. PUBLIC SERVICES/UTILITIES - <i>Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project area is served by the County Sheriff's Department and CDF/County Fire as the primary emergency responders. The closest CDF fire station (Avila Valley Station 13) is approximately 1.75 miles to the north. The property is also served by CDF/County Fire whose closest station is 0.1 mile to the southwest. The closest Sheriff substation is in Oceano, which is approximately 11 miles from the proposed project. The project is located in the San Luis Coastal Unified School District.

**Impact.** The project, along with numerous others in the area, will have a cumulative effect on the demand for public services in the area and the County. The project's direct and cumulative impacts are within the general assumptions of allowed use for the subject property that was used to estimate the fees in place.

**Mitigation/Conclusion.** Public facility (county) and school (State Government Code 65995 et seq) fee programs have been adopted to address the project's direct and cumulative impacts, and will reduce the impacts to less than significant levels.

**11. RECREATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase the use or demand for parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Affect the access to trails, parks or other recreation opportunities?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The County Trails Plan shows that a potential trail does not go through the proposed project. The project is not proposed in a location that will affect any trail, park or other recreational resource.

The project, along with numerous others in the area, will have a cumulative effect on the demand for parks and recreation resources.

**Impact.** The proposed project will not create a significant project specific need for additional park or recreational resources, but will add to the cumulative demand for these facilities

**Mitigation/Conclusion.** Prior to map recordation, county ordinance requires the payment of a fee (Quimby) for the improvement or development of neighborhood or community parks. The "Quimby" fee will adequately mitigate the project's impact on recreational facilities. No significant project specific recreation impacts are anticipated, and no mitigation measures are necessary.

**12. TRANSPORTATION/  
CIRCULATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



## 12. TRANSPORTATION/ CIRCULATION - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Future development will access onto the following public road(s): San Antonia Street. The identified roadway is operating at acceptable levels. Referrals were sent to Public Works. No significant traffic-related concerns were identified.

**Impact.** The proposed project is estimated to generate about 10.08 trips per day, based on the Institute of Traffic Engineer's manual of 0.72/unit for the PM peak hour (4 to 6 pm for a residential planned unit development). The Avila Beach Specific Plan Final Environmental Impact Report (November 5, 1999) discusses the potential traffic impacts with the assumption of full build-out; specifically the plan states, "With the addition of the 338 additional peak hour trips generated by Specific Plan build-out, total peak hour trips would be 1,124 and the LOS on Avila Beach Drive would be LOS 'B'. Therefore, the additional housing units will not significantly impact the LOS on Avila Beach Drive by causing it to drop below LOS 'C'. In addition, not all trips would include the segment of Avila Beach Drive between San Luis Street and San Luis Bay Drive. Therefore, peak hour trips on that segment would be even less than 1,124." (page 32 of the Final EIR for the Avila Beach Specific Plan). This small amount of additional traffic with this proposed project was assumed with the build-out numbers of the Avila Beach Specific Plan, and will not result in a significant change to the existing road service or traffic safety levels.

The project along with numerous others in the Avila Beach and Avila Valley area will contribute to the cumulative impact to areawide circulation.

**Mitigation/Conclusion.** No significant project specific traffic impacts were identified, and no mitigation measures are necessary.

The project is subject to the fees identified through the Avila Circulation Fee Program. These fees contribute towards areawide circulation improvements and will mitigate the project's cumulative circulation impacts.

## 13. WASTEWATER - *Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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**13. WASTEWATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project proposes to use a community system (Avila Community Services District) as its means to dispose wastewater.

**Impact.** The project will require service for disposal of wastewater from the Avila Community Services District.

**Mitigation/Conclusion.** The applicant has provided a preliminary will serve letter from Avila Beach Community Services District stating that they are willing and able to service the property for water and sewer (February 11, 2005).

**14. WATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other: _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project proposes to use a community system (Avila Community Services District) as its water source.

The topography of the project is nearly level. The closest creek (an unnamed stream) from the proposed development is approximately 0.15 miles away. As described in the NRCS Soil Survey, the

soil surface is considered to have moderate erodibility.

**Impact.** As proposed, the project will result in the disturbance of approximately 0.67 acres. Based on the project description, as shown below, a reasonable "worst case" indoor water usage would likely be about 4.62 acre feet/year (AFY)

$$14 \text{ residential units (w/primary (0.33 afy))} = 4.62 \text{ afy}$$

Source: "City of Santa Barbara Water Demand Factor & Conservation Study "User Guide" (Aug., 1989)

**Mitigation/Conclusion.** The proposed water source for the project is a community system, and the project has a preliminary will serve letter provided by the Avila Beach Community Services District. Since no potentially significant water quantity or quality impacts were identified, no specific measures above standard requirements have been determined necessary. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other:</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** Surrounding uses are identified on Page 2 of the Initial Study. The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance, Local Coastal Plan, etc.). Referrals were sent to outside agencies to review for policy consistencies (e.g., CDF for Fire Code, APCD for Clean Air Plan, etc.). The project was found to be consistent with these documents (refer also to Exhibit A on reference documents used).

The project is not within or adjacent to a Habitat Conservation Plan area. The project is consistent or compatible with the surrounding uses as summarized on page 2 of this Initial Study.

**Mitigation/Conclusion.** No inconsistencies were identified and therefore no additional measures

above what will already be required was determined necessary.

**16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:**

Potentially  
Significant

Impact can  
& will be  
mitigated

Insignificant  
Impact

Not  
Applicable

- |    |  |                          |                                     |                                     |                          |
|----|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) | <b><i>Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</i></b> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) | <b><i>Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)</i></b>  | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) | <b><i>Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</i></b>  | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.sloplanning.org" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env\_law/ ceqa/ guidelines/" for information about the California Environmental Quality Act.

**Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an ☒) and when a response was made, it is either attached or in the application file:

<b><u>Contacted</u></b>	<b><u>Agency</u></b>	<b><u>Response</u></b>
<input checked="" type="checkbox"/>	County Public Works Department	<b>Attached</b>
<input checked="" type="checkbox"/>	County Environmental Health Division	<b>In File**</b>
<input type="checkbox"/>	County Agricultural Commissioner's Office	<b>Not Applicable</b>
<input type="checkbox"/>	County Airport Manager	<b>Not Applicable</b>
<input type="checkbox"/>	Airport Land Use Commission	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Air Pollution Control District	<b>Attached</b>
<input type="checkbox"/>	County Sheriff's Department	<b>Not Applicable</b>
<input type="checkbox"/>	Regional Water Quality Control Board	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	CA Coastal Commission	<b>None</b>
<input type="checkbox"/>	CA Department of Fish and Game	<b>Not Applicable</b>
<input type="checkbox"/>	CA Department of Forestry	<b>Not Applicable</b>
<input type="checkbox"/>	CA Department of Transportation	<b>Not Applicable</b>
<input checked="" type="checkbox"/>	Avila Community Service District	<b>Attached</b>
<input type="checkbox"/>	Other _____	
<input type="checkbox"/>	Other _____	<b>Not Applicable</b>

**\*\* "No comment" or "No concerns"-type responses are usually not attached**

The following checked ("☒") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

☒ **Project File for the Subject Application**

**County documents**

- ☐ Airport Land Use Plans
- ☒ Annual Resource Summary Report
- ☐ Building and Construction Ordinance
- ☒ Coastal Policies
- ☒ Framework for Planning (Coastal & Inland)
- ☒ General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:
  - ☒ Agriculture & Open Space Element
  - ☒ Energy Element
  - ☒ Environment Plan (Conservation, Historic and Esthetic Elements)
  - ☒ Housing Element
  - ☒ Noise Element
  - ☒ Parks & Recreation Element
  - ☒ Safety Element
- ☒ Land Use Ordinance
- ☒ Real Property Division Ordinance
- ☐ Trails Plan
- ☐ Solid Waste Management Plan

- ☒ Area Plan and Update EIR

- ☐ Circulation Study

**Other documents**

- ☒ Archaeological Resources Map
- ☒ Area of Critical Concerns Map
- ☒ Areas of Special Biological Importance Map
- ☒ California Natural Species Diversity Database
- ☒ Clean Air Plan
- ☒ Fire Hazard Severity Map
- ☒ Flood Hazard Maps
- ☒ Natural Resources Conservation Service Soil Survey for SLO County
- ☒ Regional Transportation Plan
- ☒ Uniform Fire Code
- ☒ Water Quality Control Plan (Central Coast Basin – Region 3)
- ☒ GIS mapping layers (e.g., habitat, streams, contours, etc.)
- ☐ Other \_\_\_\_\_

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In addition, the following project specific information and/or reference materials have been considered as a part of the Initial Study:

1. Cultural Resource Surface Survey, Bertrando & Bertrando, September 25, 2003
2. Phase II Cultural Resource Survey, Bertrando & Bertrando, February 10, 2004
3. Historic Resource Evaluation Report, Bertrando & Bertrando, January 2004
4. Soils Engineering Report, Earth Systems Pacific, December 20, 2004
5. Avila Beach Specific Plan Final Environmental Impact Report, County of San Luis Obispo, November 5, 1999

**Exhibit B - Mitigation Summary Table****Air Quality****Demolition**

- AQ-1 Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. Prior to issuance of any construction permit to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M – Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.

**Wood-Burning Devices**

- AQ-2 Only the following types of wood burning devices shall be allowed (based on District Rule 504):
- a) EPA-Certified Phase II wood burning devices;
  - b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab;
  - c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab;
  - d) pellet-fueled woodheaters;
  - e) or dedicated gas-fired fireplaces. Prior to construction permit issuance, such devices shall be shown on all applicable plans.

**Portable Equipment**

- AQ-3 **Prior to issuance of building permits**, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc.

**Dust During Construction**

- AQ-4 The applicant shall reduce the amount of disturbed area where possible
- AQ-5 The applicant shall use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- AQ-6 All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
- AQ-7 Building pads should be laid as soon as possible after grading unless seeding or soil.

**Cultural Resources**

- CR-1 Prior to issuance of construction permit, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall consider the reports prepared previously and shall include at a minimum:
- A. List of personnel involved in the monitoring activities;
  - B. Description of how the monitoring shall occur;
  - C. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
  - D. Description of what resources are expected to be encountered;
  - E. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
  - F. Description of procedures for halting work on the site and notification procedures;
  - G. Description of monitoring reporting procedures.
- CR-2 During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.
- CR-3 Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.



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Date: September 20, 2005

**DEVELOPER'S STATEMENT FOR  
SHEAR EDGE DEVELOPMENT PLAN/TRACT MAP/COASTAL DEVELOPMENT PERMIT  
SUB2004-00259**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

**Air Quality**

**Demolition**

- AQ-1** Proposed demolition activities can result in potentially negative air quality impacts, especially where material exists containing asbestos material. Prior to issuance of any construction permit to remove or demolish any buildings or utility pipes on the subject property, the applicant shall provide evidence they have contacted APCD to determine: a) what regulatory jurisdictions apply to the proposed demolition, such as the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - Asbestos NESHAP); b) District notification requirements; c) the need for an asbestos survey conducted by Certified Asbestos Inspector; and d) applicable removal and disposal requirements of the asbestos-containing material.

**Wood-Burning Devices**

- AQ-2** Only the following types of wood burning devices shall be allowed (based on District Rule 504):
- a) EPA-Certified Phase II wood burning devices;
  - b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab;
  - c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab;
  - d) pellet-fueled woodheaters;
  - e) or dedicated gas-fired fireplaces. Prior to construction permit issuance, such devices shall be shown on all applicable plans.

**Portable Equipment**

- AQ-3** Prior to issuance of building permits, the applicant shall provide evidence they have contacted APCD on any proposed portable equipment requiring APCD or CARB registration, such as: portable generators, IC engines, unconfined abrasive blasting operations, concrete batch plants, rock and pavement crushing, tub grinders, trammel screens, etc.

**Dust During Construction**

- AQ-4** The applicant shall reduce the amount of disturbed area where possible
- AQ-5** The applicant shall use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever

4-62

wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.

AQ-6 All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.

AQ-7 Building pads should be laid as soon as possible after grading unless seeding or soil.

**Monitoring:** Compliance will be verified by the County Planning Department by review and approval of the plans, and verification of completion with a field inspection.

### Cultural Resources

CR-1 Prior to issuance of construction permit, the applicant shall submit a monitoring plan, prepared by a subsurface-qualified archaeologist, for the review and approval by the Environmental Coordinator. The monitoring plan shall consider the reports prepared previously and shall include at a minimum:

- A. List of personnel involved in the monitoring activities;
- B. Description of how the monitoring shall occur;
- C. Description of frequency of monitoring (e.g. full-time, part time, spot checking);
- D. Description of what resources are expected to be encountered;
- E. Description of circumstances that would result in the halting of work at the project site (e.g. What is considered "significant" archaeological resources?);
- F. Description of procedures for halting work on the site and notification procedures;
- G. Description of monitoring reporting procedures.

CR-2 During all ground disturbing construction activities, the applicant shall retain a qualified archaeologist (approved by the Environmental Coordinator) to monitor all earth disturbing activities, per the approved monitoring plan. If any significant archaeological resources or human remains are found during monitoring, work shall stop within the immediate vicinity (precise area to be determined by the archaeologist in the field) of the resource until such time as the resource can be evaluated by an archaeologist and any other appropriate individuals. The applicant shall implement the mitigation as required by the Environmental Coordinator.

CR-3 Upon completion of all monitoring/mitigation activities, and prior to occupancy or final inspection (whichever occurs first), the consulting archaeologist shall submit a report to the Environmental Coordinator summarizing all monitoring/mitigation activities and confirming that all recommended mitigation measures have been met.

**Monitoring:** Required prior to issuance of a grading and/or construction permit. Compliance will be verified by the County Division of Environmental and Resource Management

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the

4-63

owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Signature of Owner(s)

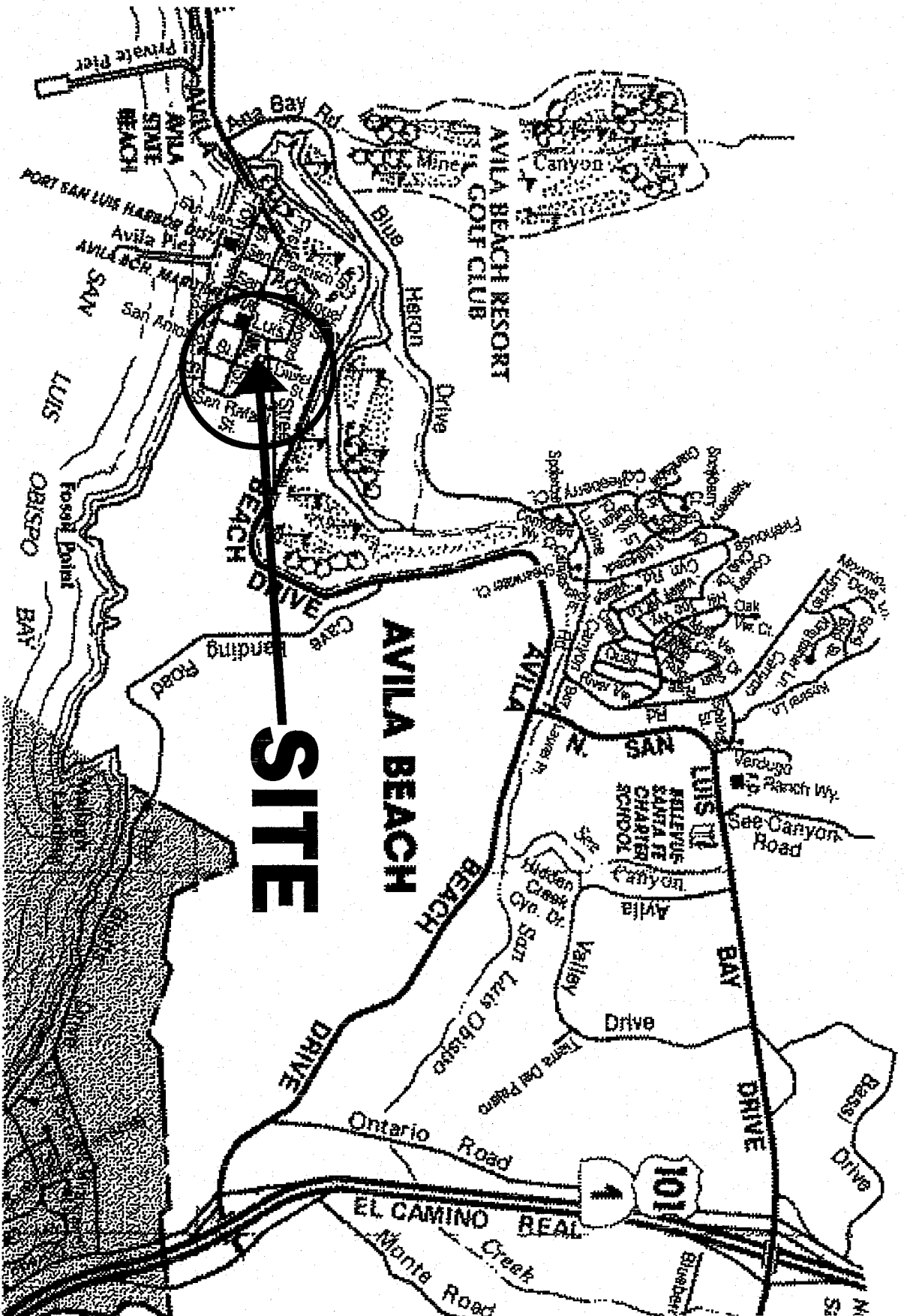
Date

9/20/05

Name (Print)

J. H. Edwards For STEAN EDGE  
Dora. Avila, LLC

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PROJECT

Tract Map

Shear Edge Development SUB2004-00259



EXHIBIT

Avila Vicinity Map



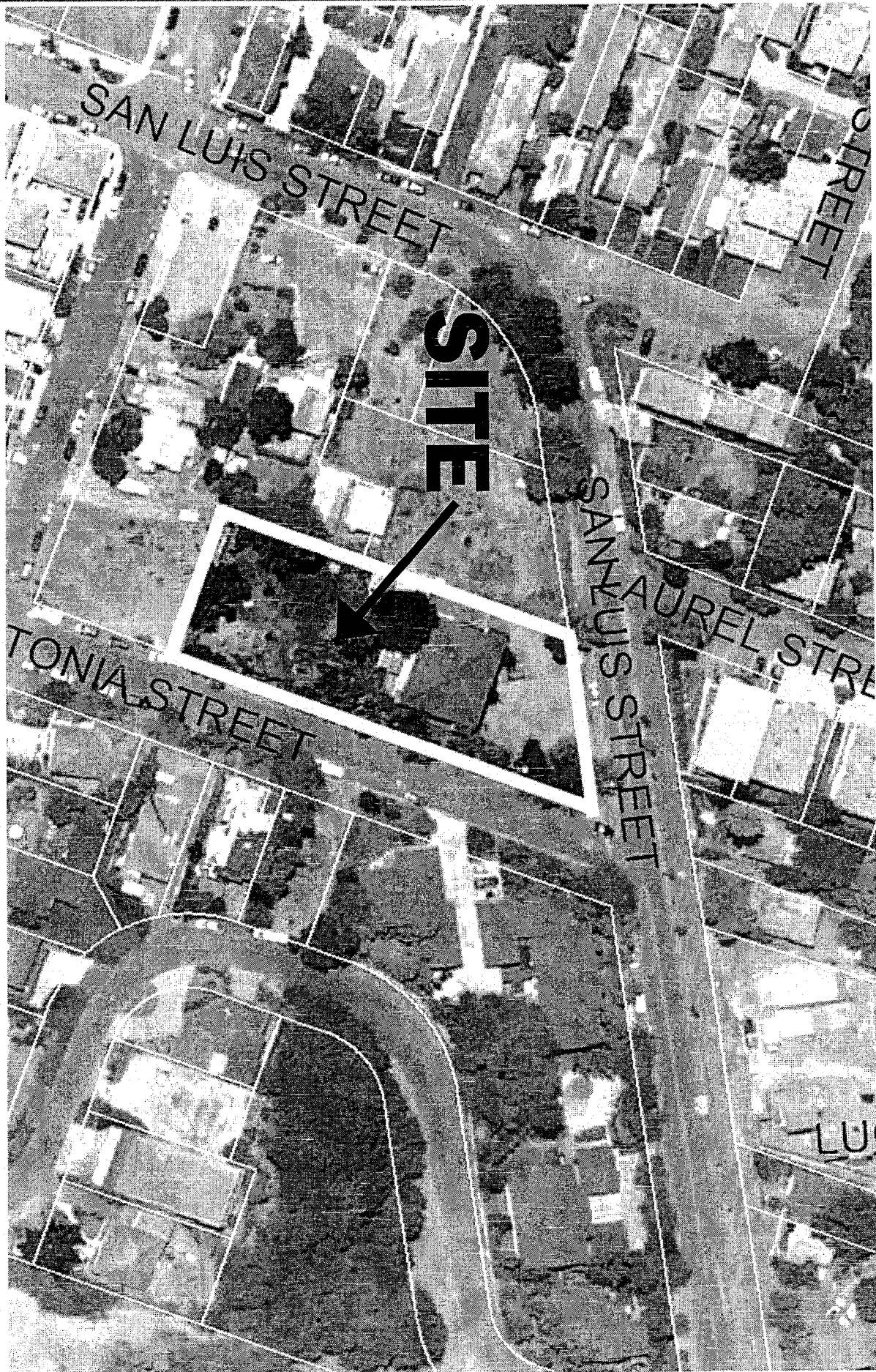
## Tract Map

Shear Edge Development SUB2004-00259



Land Use Category

4-66



PROJECT

Tract Map  
Shear Edge Development SUB2004-00259

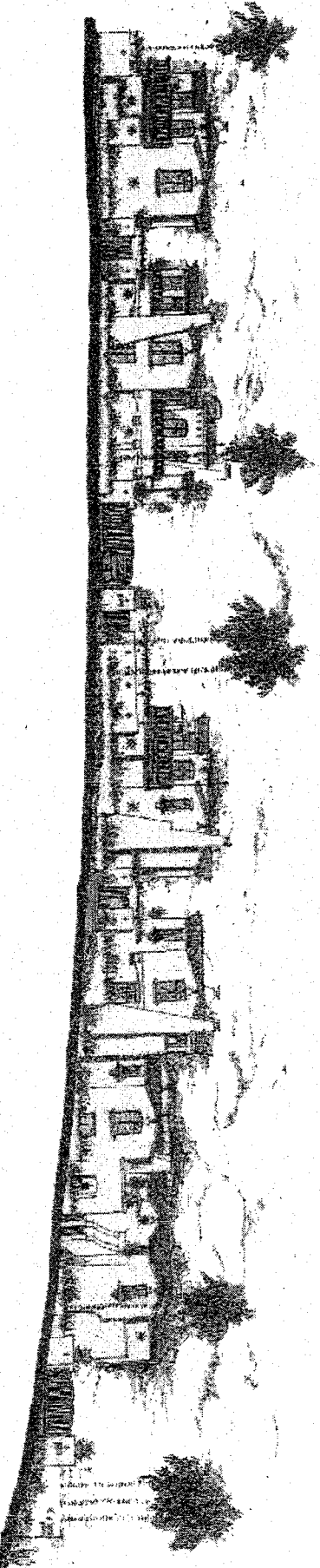


EXHIBIT

Aerial Photograph



# CERRO DE AVILA



Elevation - San Antonio Street

**PROJECT**

Tract Map  
Shear Edge Development SUB2004-00259

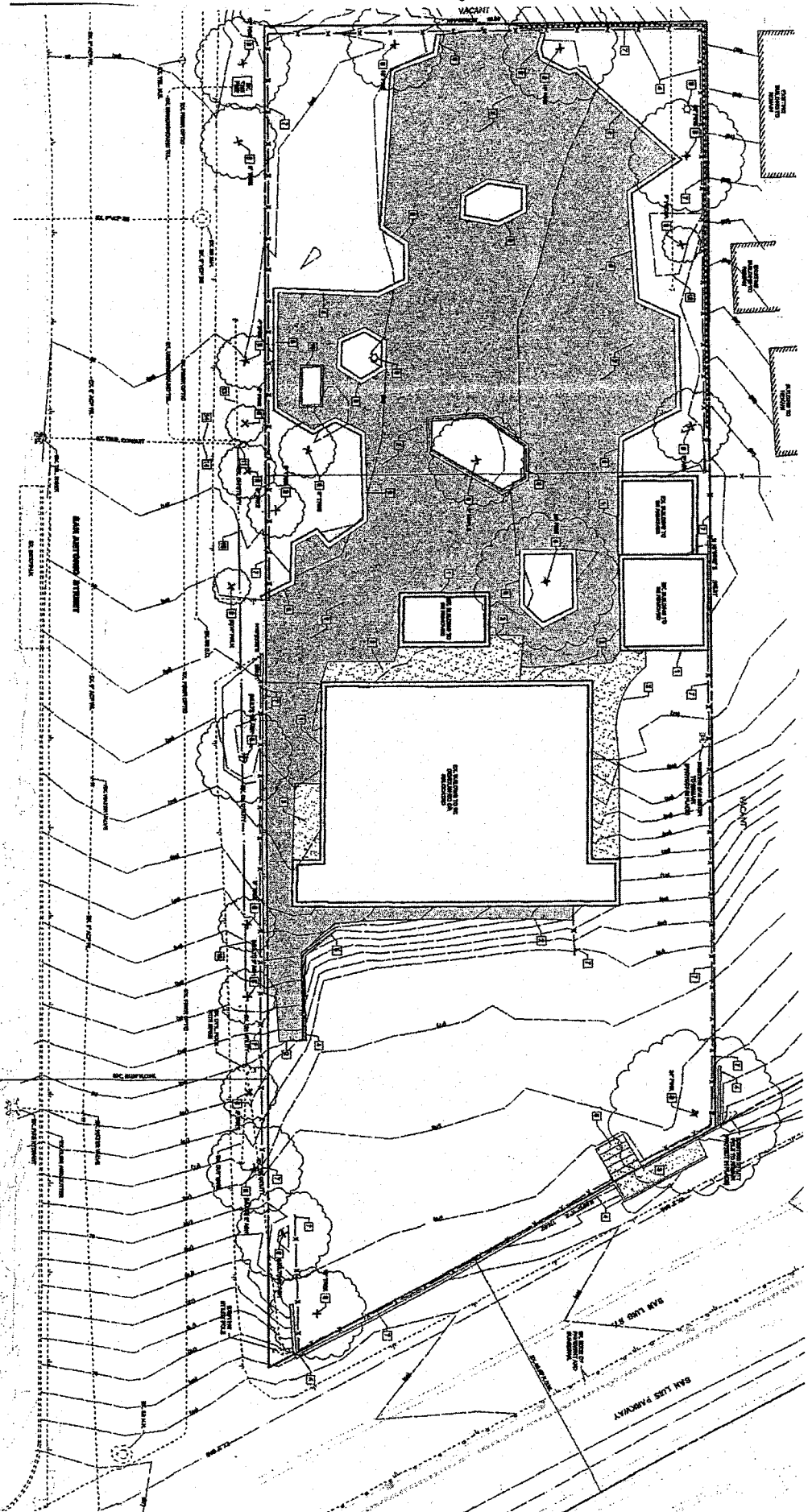


**EXHIBIT**

"Cerro de Avila"

4-67

4-68



PROJECT

Tract Map  
Shear Edge Development SUB2004-00259

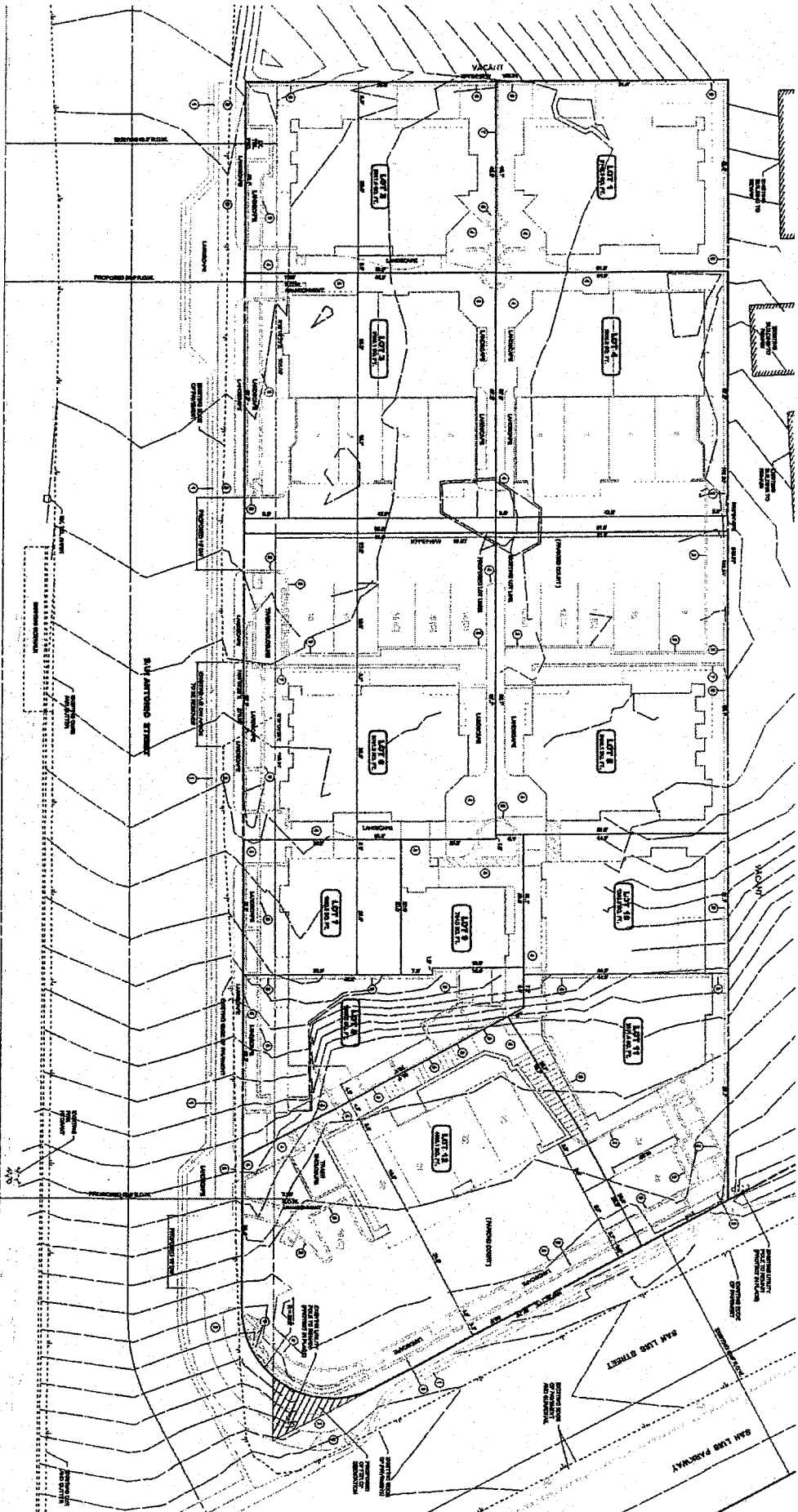


EXHIBIT

Topography & Existing Structures



4-69



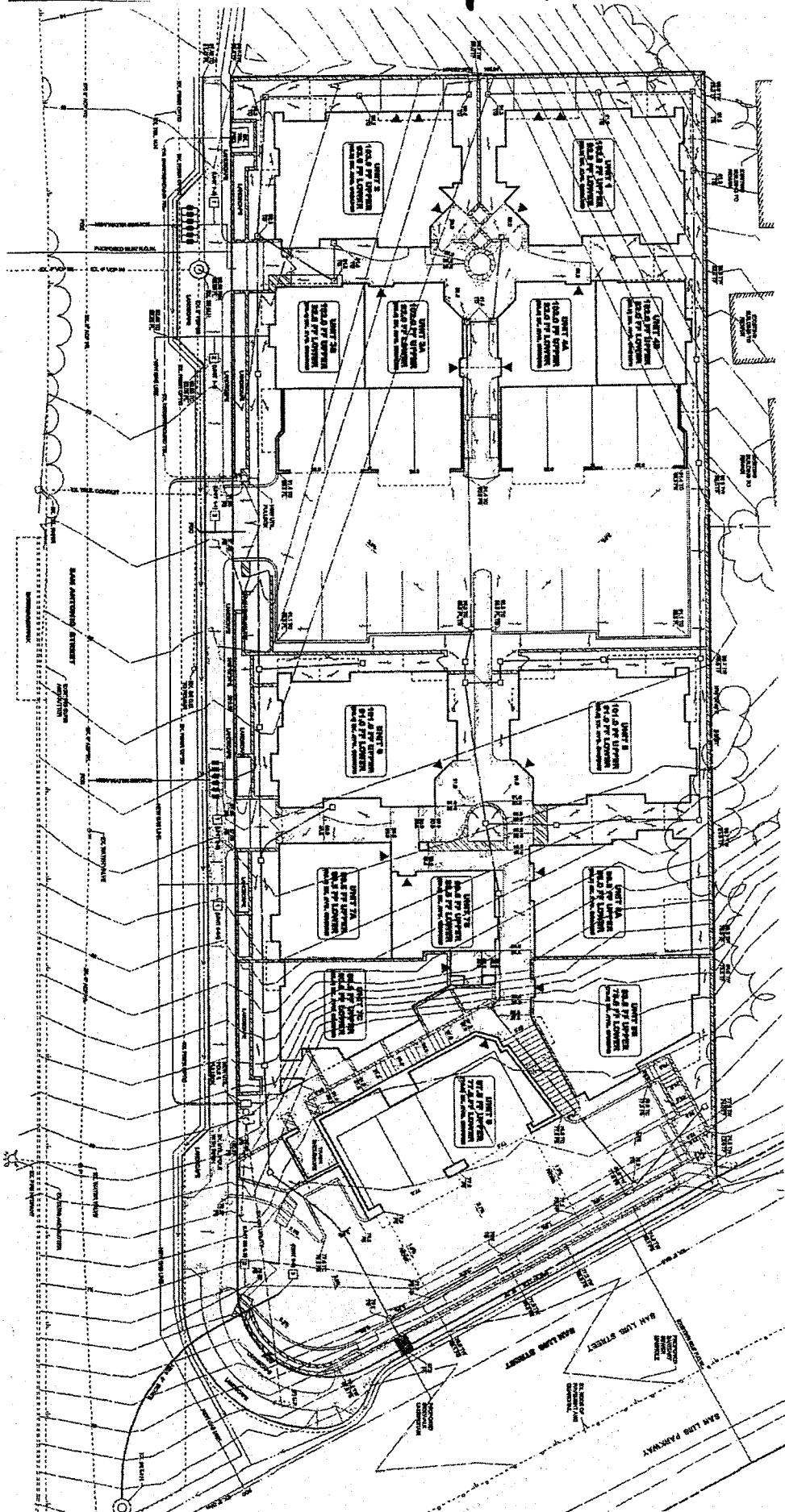
PROJECT

Tract Map  
Shear Edge Development SUB2004-00259



EXHIBIT

Tentative Tract Map



## PROJECT

## Tract Map

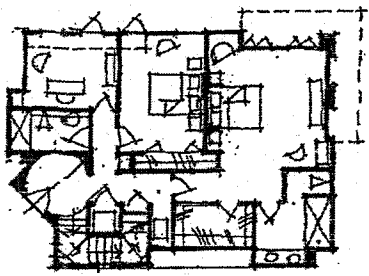
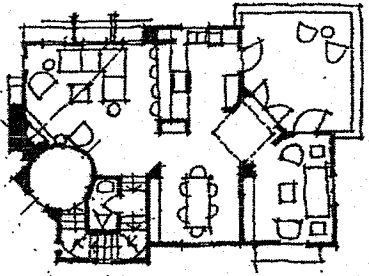
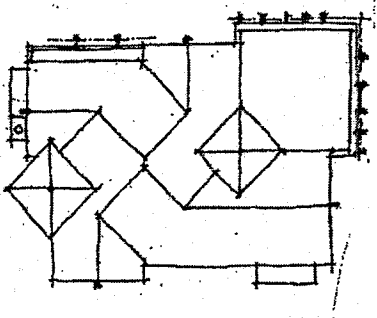
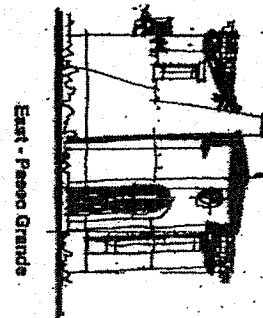
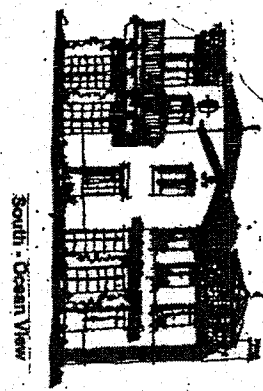
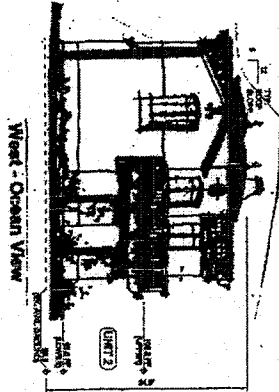
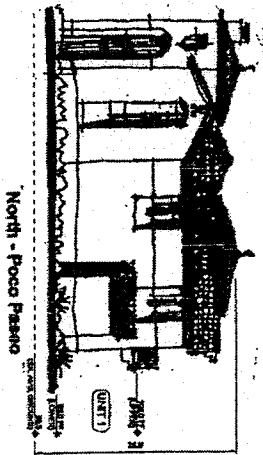
Shear Edge Development SUB2004-00259



**EXHIBIT**

## Grading & Drainage

4-71



PROJECT

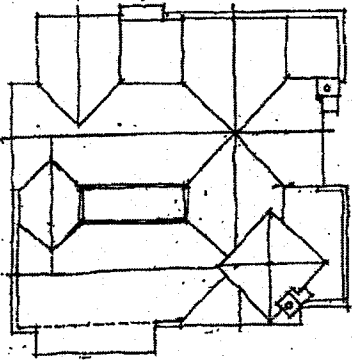
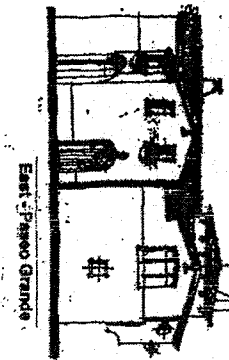
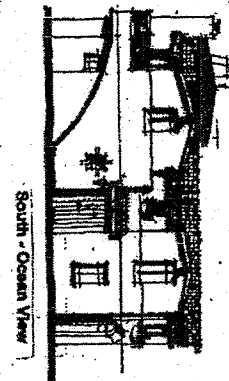
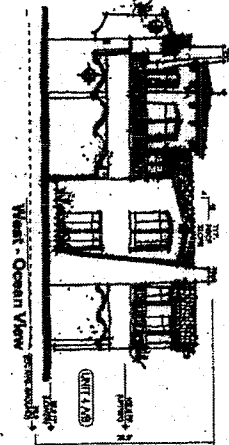
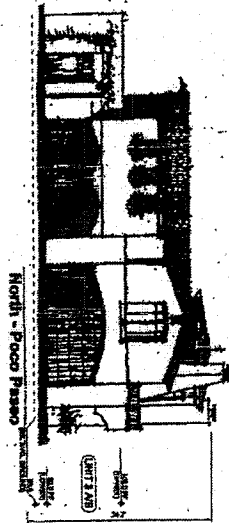
Tract Map  
Shear Edge Development SUB2004-00259

EXHIBIT

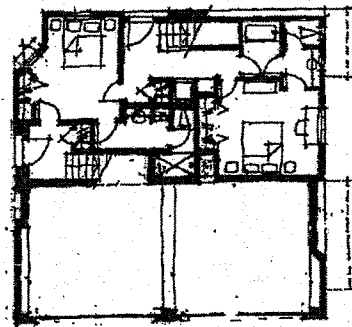
Floor Plans & Elevations - Unit 1



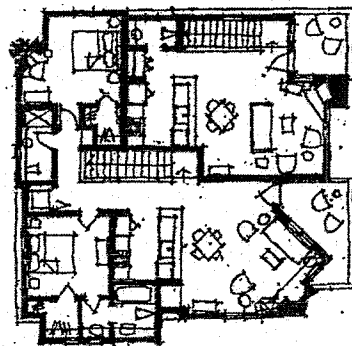
4-72



Roof Plan



Second Story



First Story

PROJECT

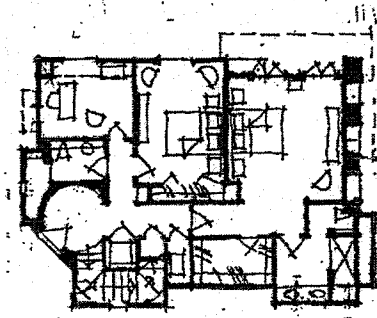
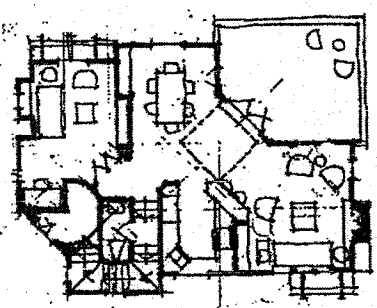
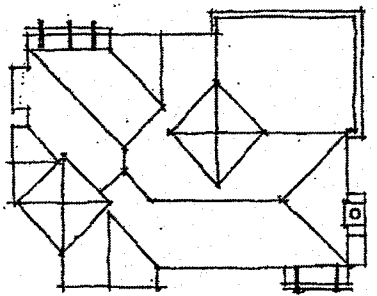
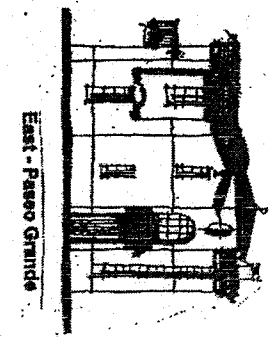
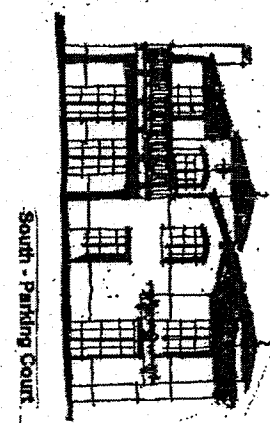
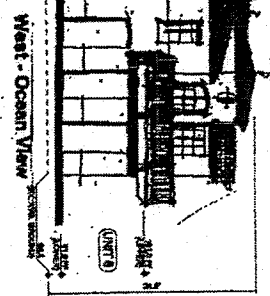
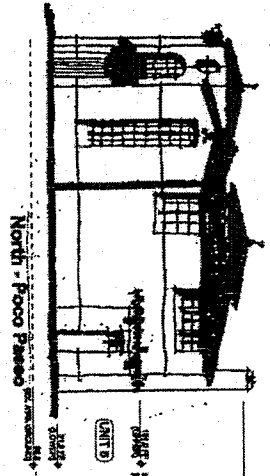
Tract Map  
Shear Edge Development SUB2004-00259

EXHIBIT

Floor Plans & Elevations - Unit 4



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PROJECT

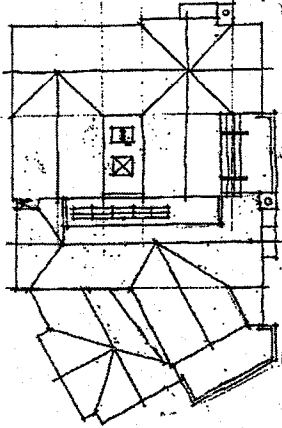
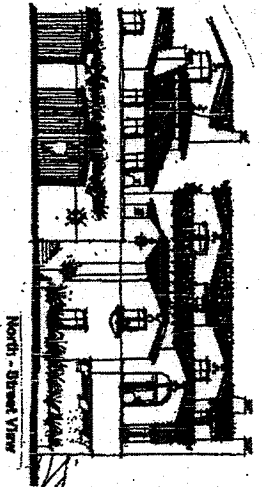
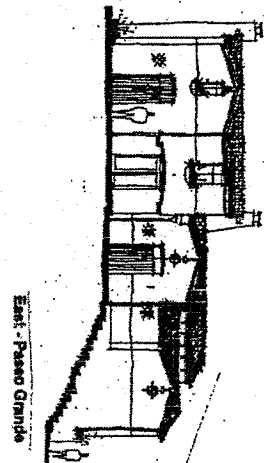
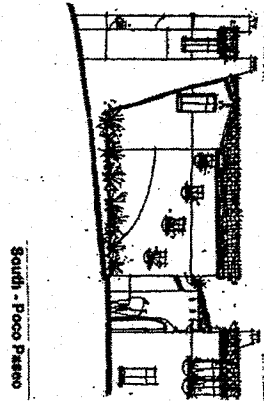
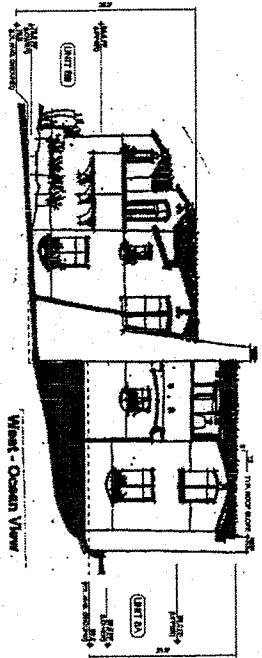
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Shear Edge Development SUB2004-00259

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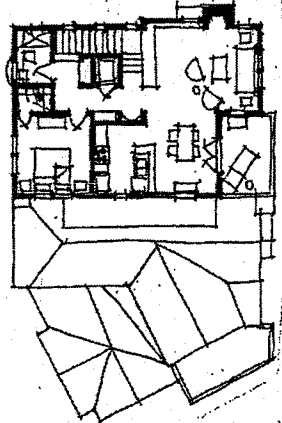
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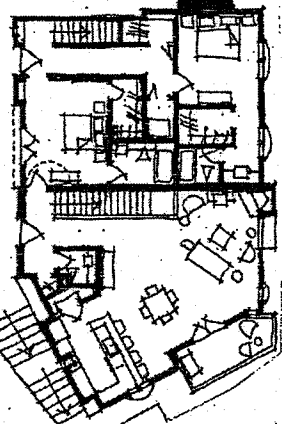
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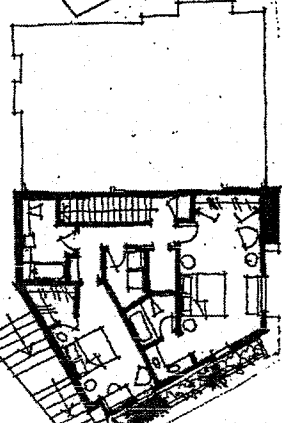
Roof Plan



Upper Level  
Plan A



Plan A



Plan B

Mid-Level

Lower Level  
Plan B

PROJECT

Tract Map  
Shear Edge Development SUB2004-00259

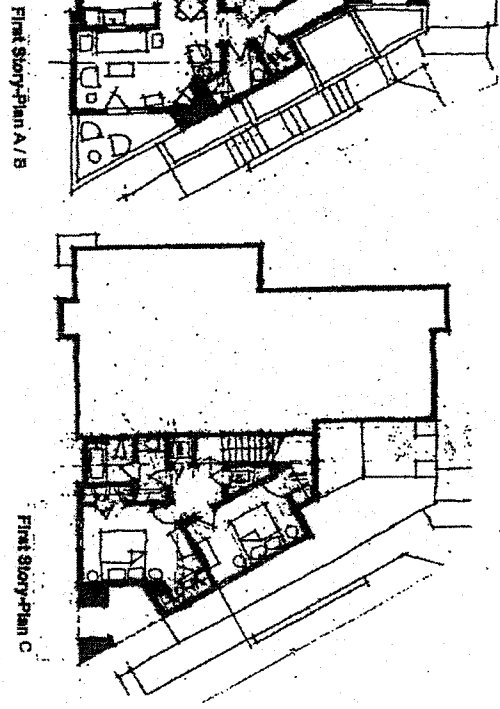
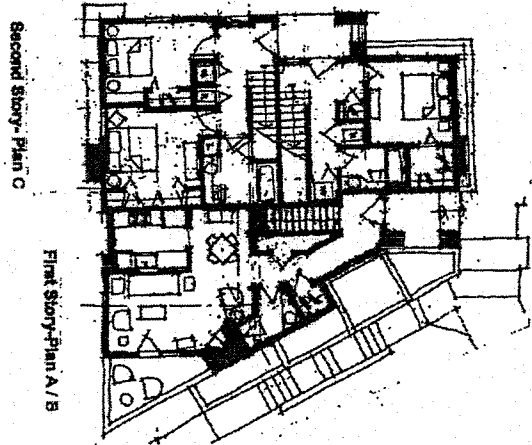
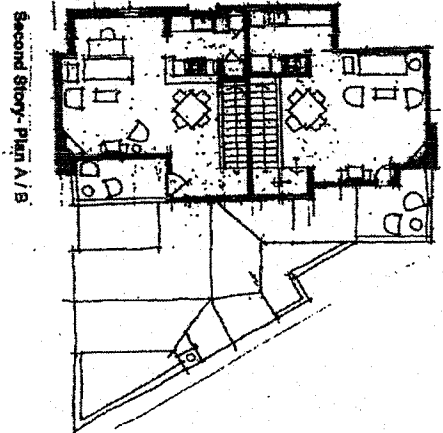
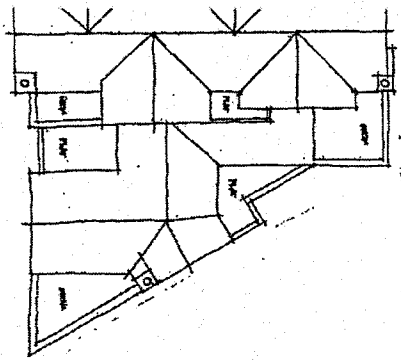
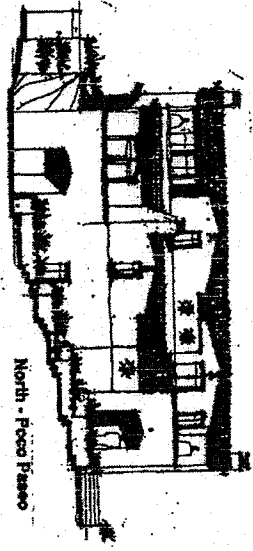
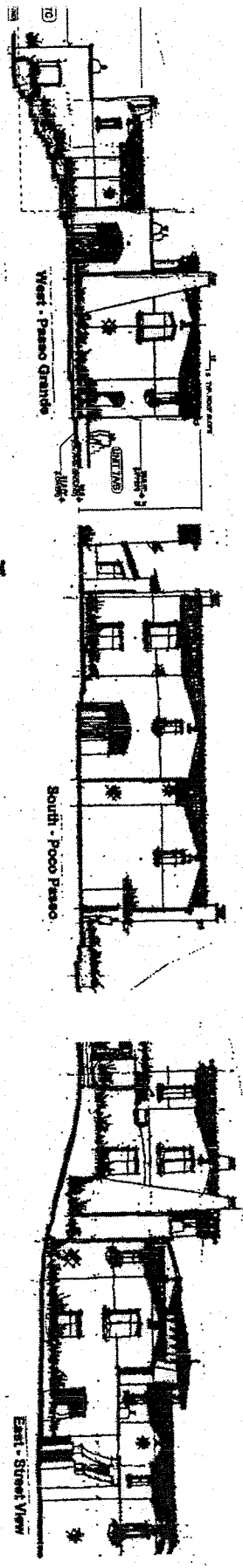
EXHIBIT

Floor Plans & Elevations - Unit 7



4-75

SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

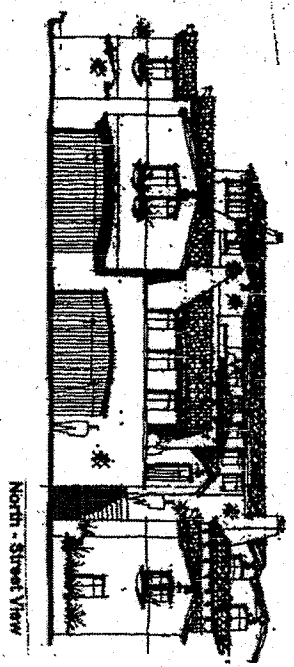
Tract Map  
Shear Edge Development SUB2004-00259



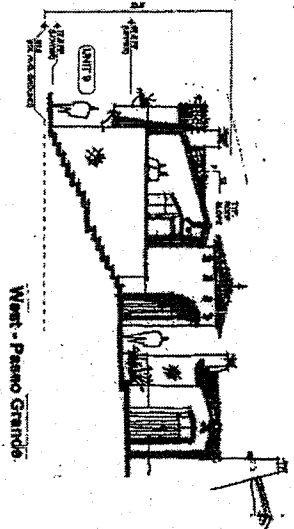
EXHIBIT

Floor Plans & Elevations - Unit 8

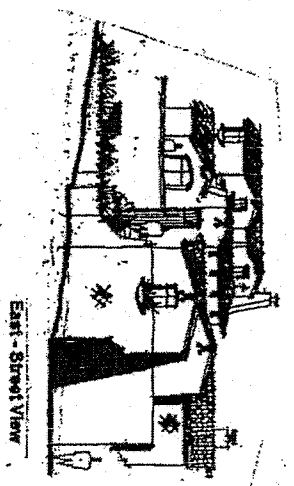
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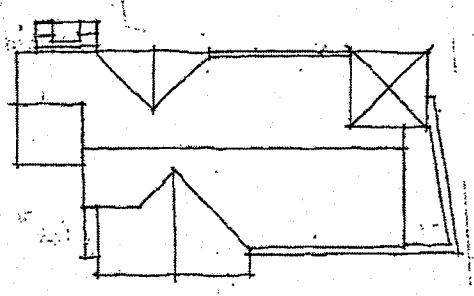
North - Street View



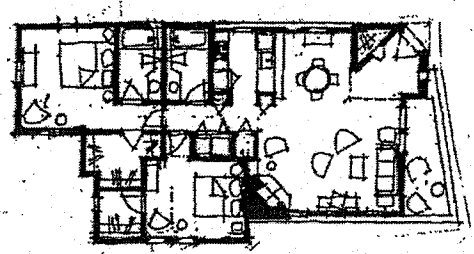
West - Pismo Grande



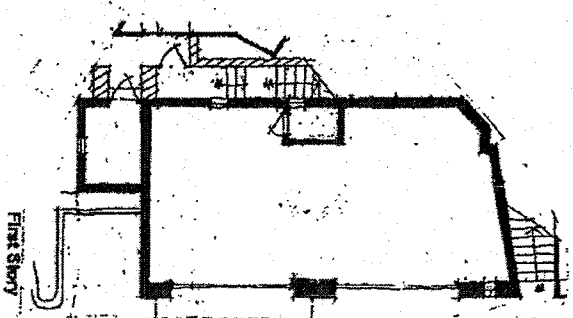
East - Street View



Roof Plan



Second Story



First Story

PROJECT

Tract Map  
Shear Edge Development SUB2004-00259

EXHIBIT

Floor Plans & Elevations - Unit 9







## Tract Map

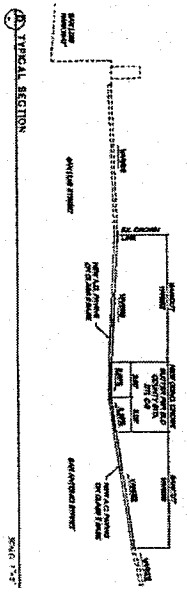
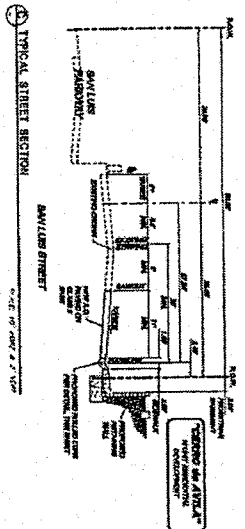
Shear Edge Development SUB2004-00259



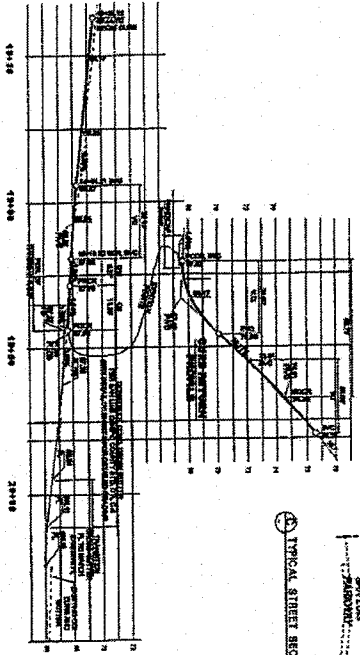
**EXHIBIT**

## Public Improvement Plan – San Antonio St.

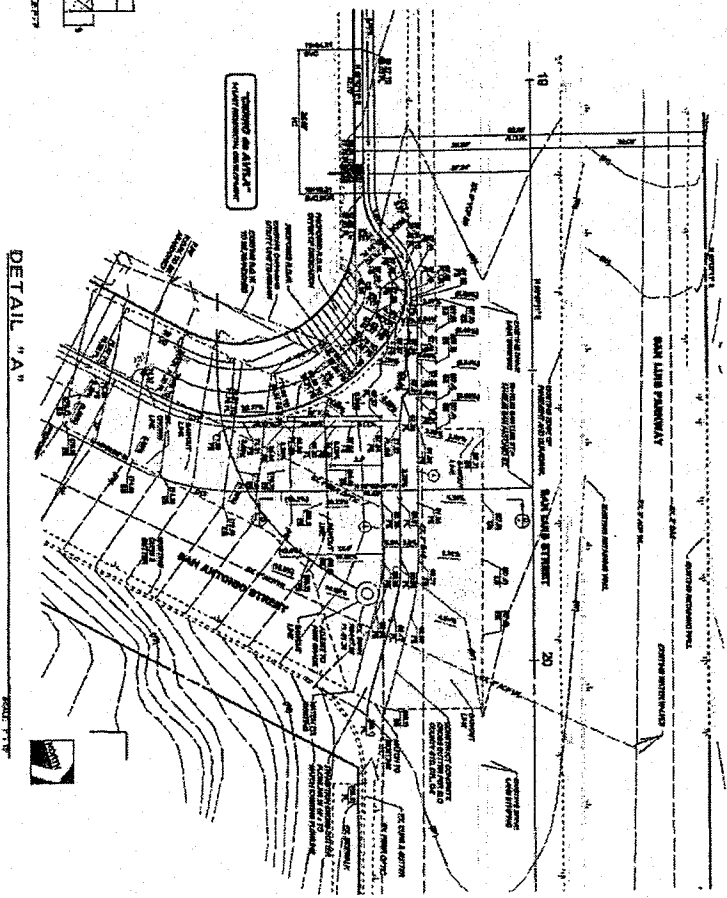
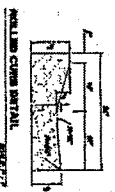
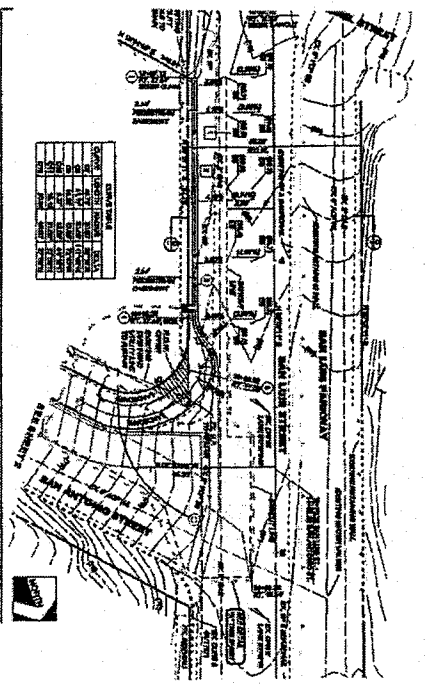
4-78



TOP OF CURB PROFILE



- NOTES**
1. THE PROFILE SHOWN IS BASED ON THE FOLLOWING ASSUMPTIONS:
    - a. THE PROFILE IS BASED ON THE EXISTING GROUND SURFACE.
    - b. THE PROFILE IS BASED ON THE EXISTING CURB ELEVATION.
    - c. THE PROFILE IS BASED ON THE EXISTING STREET ELEVATION.
    - d. THE PROFILE IS BASED ON THE EXISTING SIDEWALK ELEVATION.
  2. THE PROFILE IS BASED ON THE EXISTING GROUND SURFACE.
  3. THE PROFILE IS BASED ON THE EXISTING CURB ELEVATION.
  4. THE PROFILE IS BASED ON THE EXISTING STREET ELEVATION.
  5. THE PROFILE IS BASED ON THE EXISTING SIDEWALK ELEVATION.
- UTILITY NOTES**
1. THE PROFILE IS BASED ON THE EXISTING GROUND SURFACE.
  2. THE PROFILE IS BASED ON THE EXISTING CURB ELEVATION.
  3. THE PROFILE IS BASED ON THE EXISTING STREET ELEVATION.
  4. THE PROFILE IS BASED ON THE EXISTING SIDEWALK ELEVATION.
  5. THE PROFILE IS BASED ON THE EXISTING GROUND SURFACE.
  6. THE PROFILE IS BASED ON THE EXISTING CURB ELEVATION.
  7. THE PROFILE IS BASED ON THE EXISTING STREET ELEVATION.
  8. THE PROFILE IS BASED ON THE EXISTING SIDEWALK ELEVATION.



PROJECT

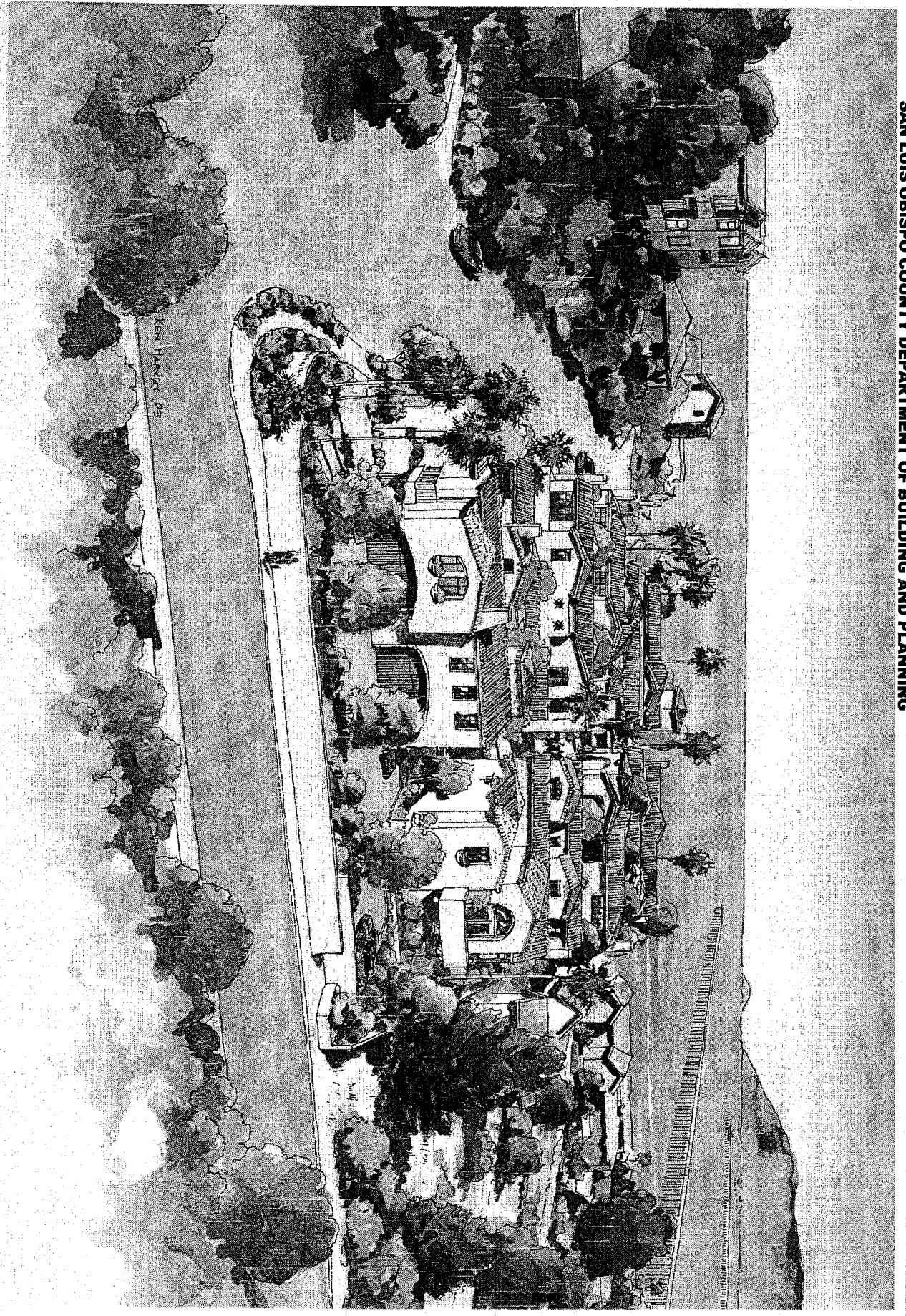
Tract Map  
Shear Edge Development SUB2004-00259

EXHIBIT

Public Improvement Plan - San Luis St.



4-79



PROJECT

Tract Map  
Shear Edge Development SUB2004-00259

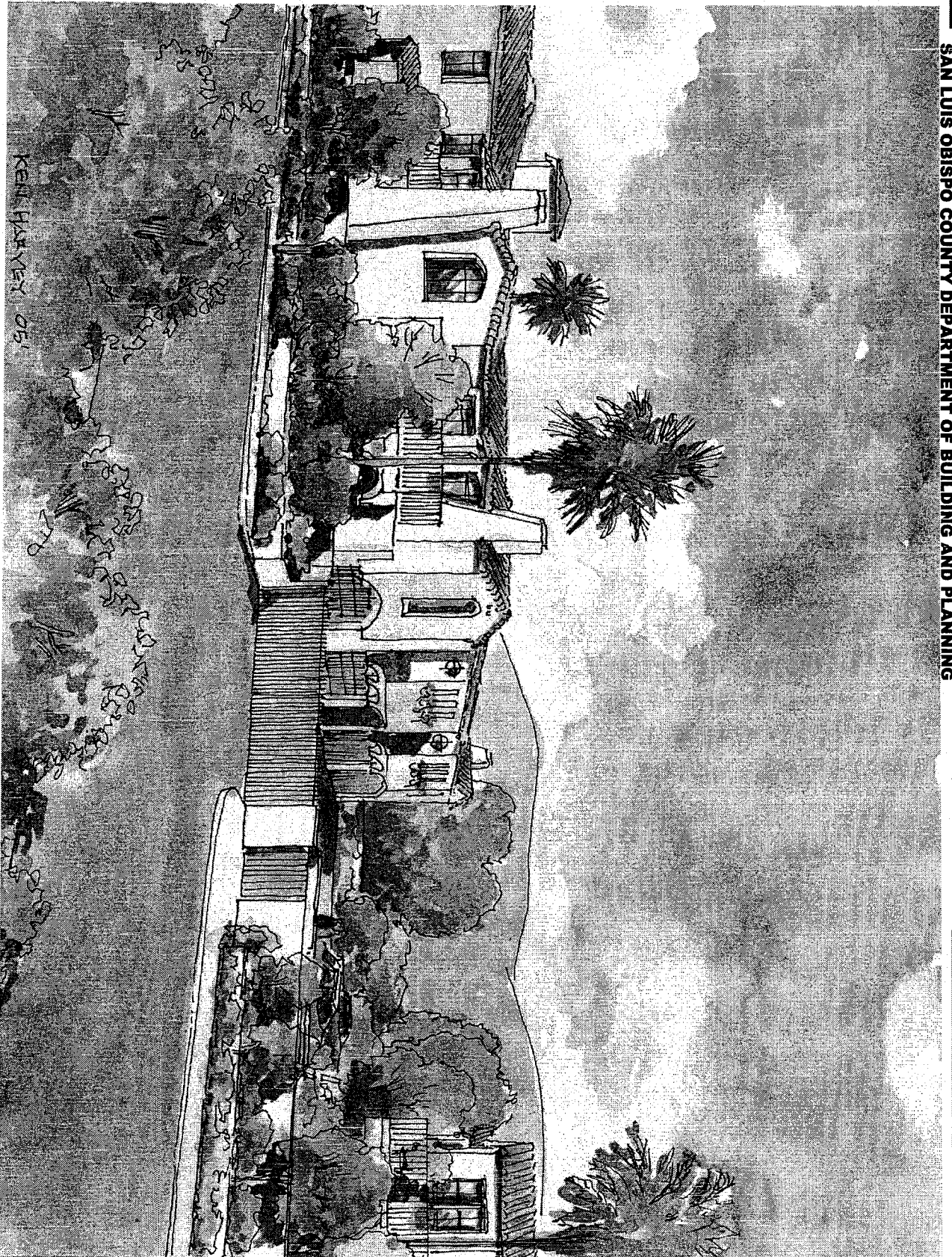


EXHIBIT

Conceptual Drawing 1



08-4



KENT HARVEY 05

PROJECT

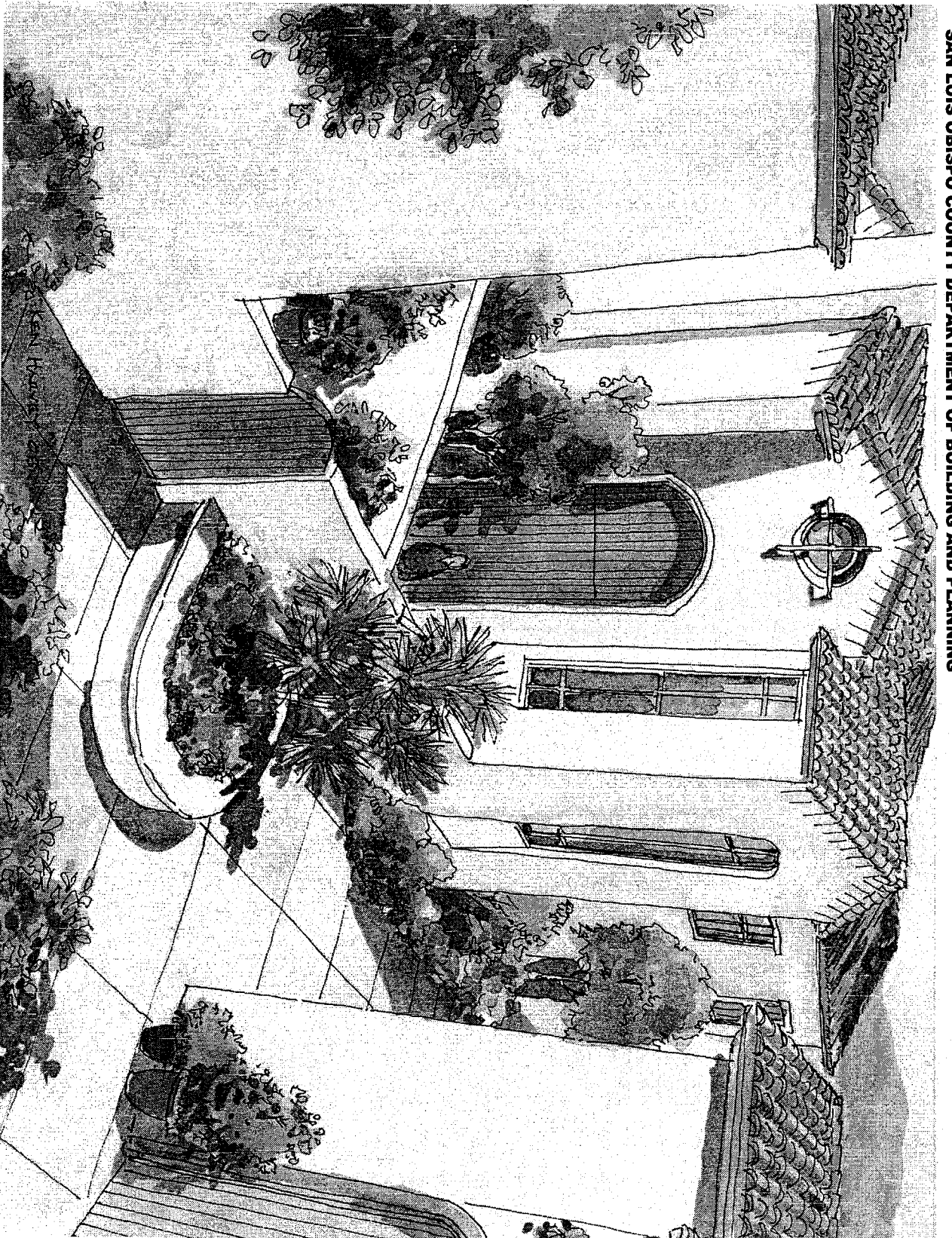
Tract Map  
Shear Edge Development SUB2004-00259



EXHIBIT

Conceptual Drawing 2

4-81



PROJECT

Tract Map  
Shear Edge Development SUB2004-00259

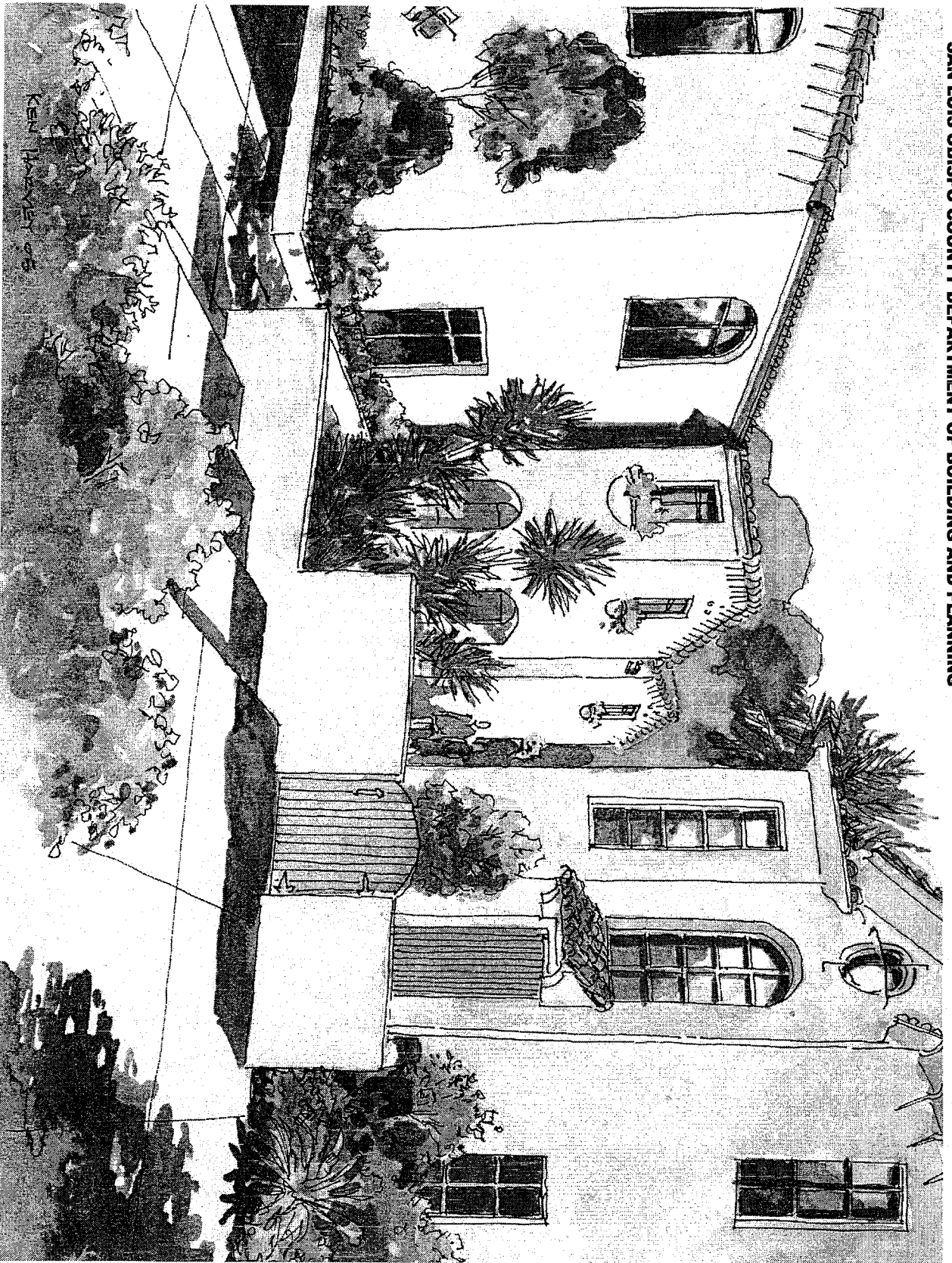


EXHIBIT

Conceptual Drawing 3



4-82



PROJECT

Tract Map

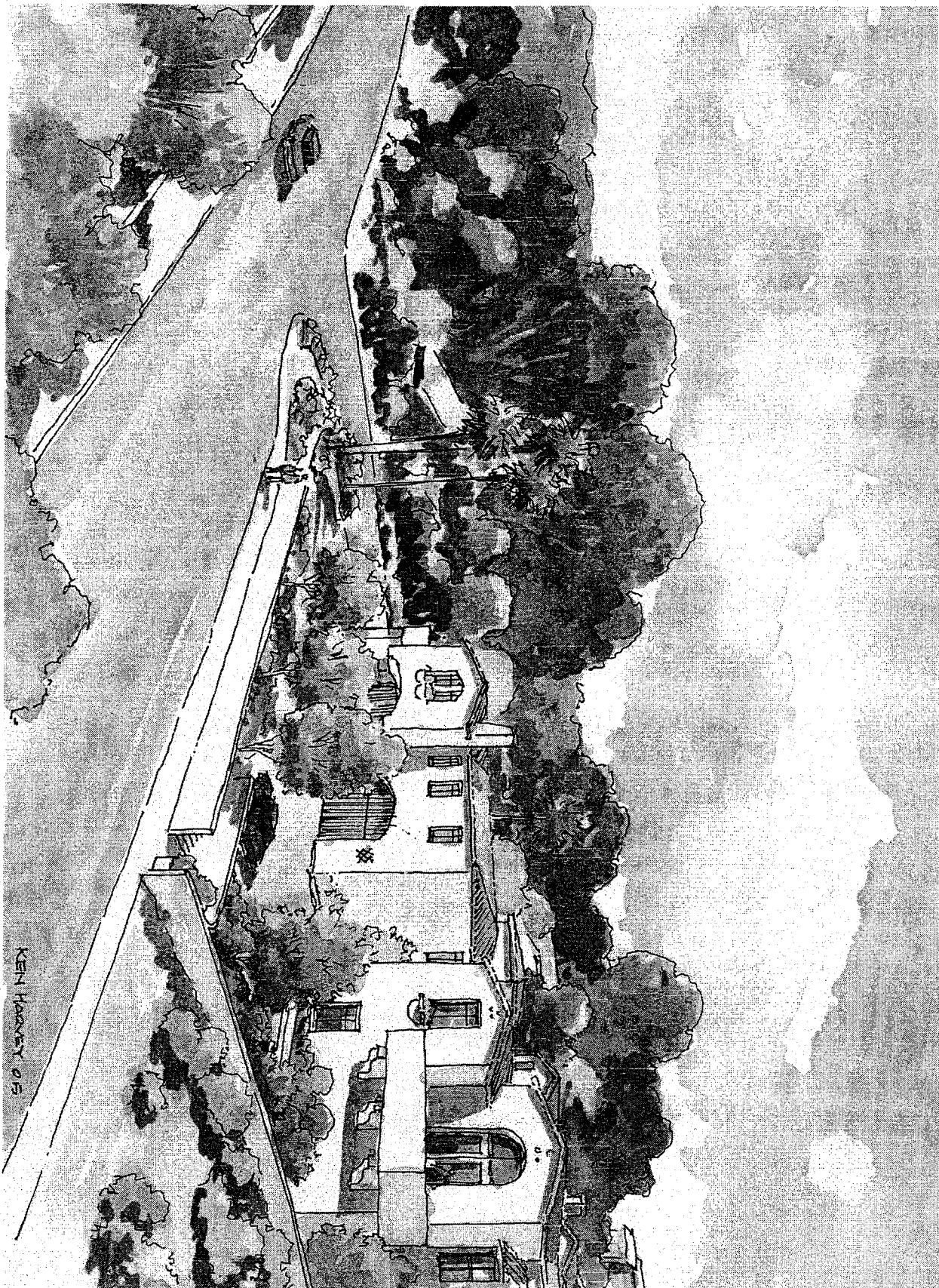
Shear Edge Development SUB2004-00259



EXHIBIT

Conceptual Drawing 4

4-83



PROJECT

Tract Map  
Shear Edge Development SUB2004-00259

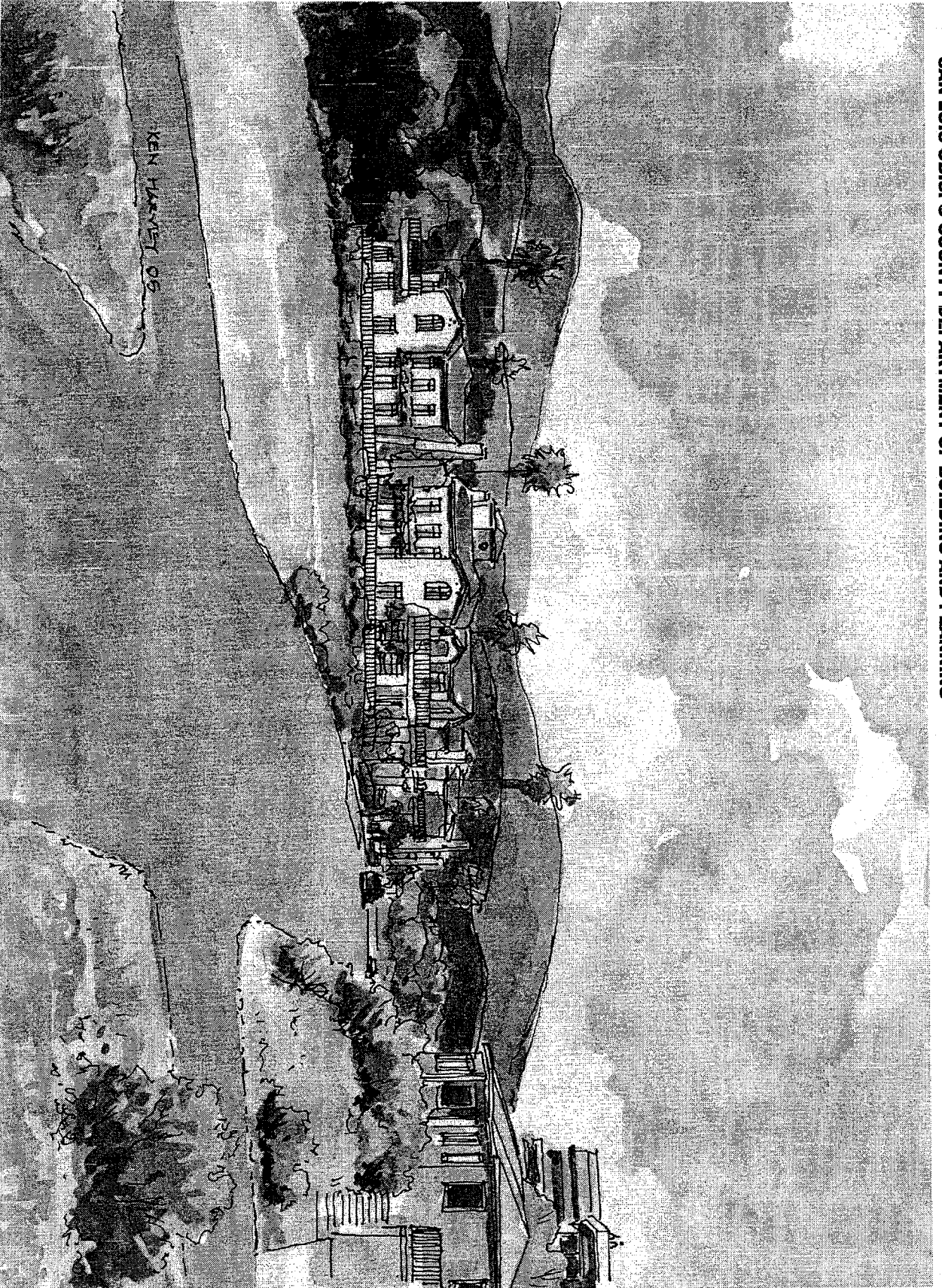


EXHIBIT

Conceptual Drawing 5



4-84



PROJECT

Tract Map  
Shear Edge Development SUB2004-00259

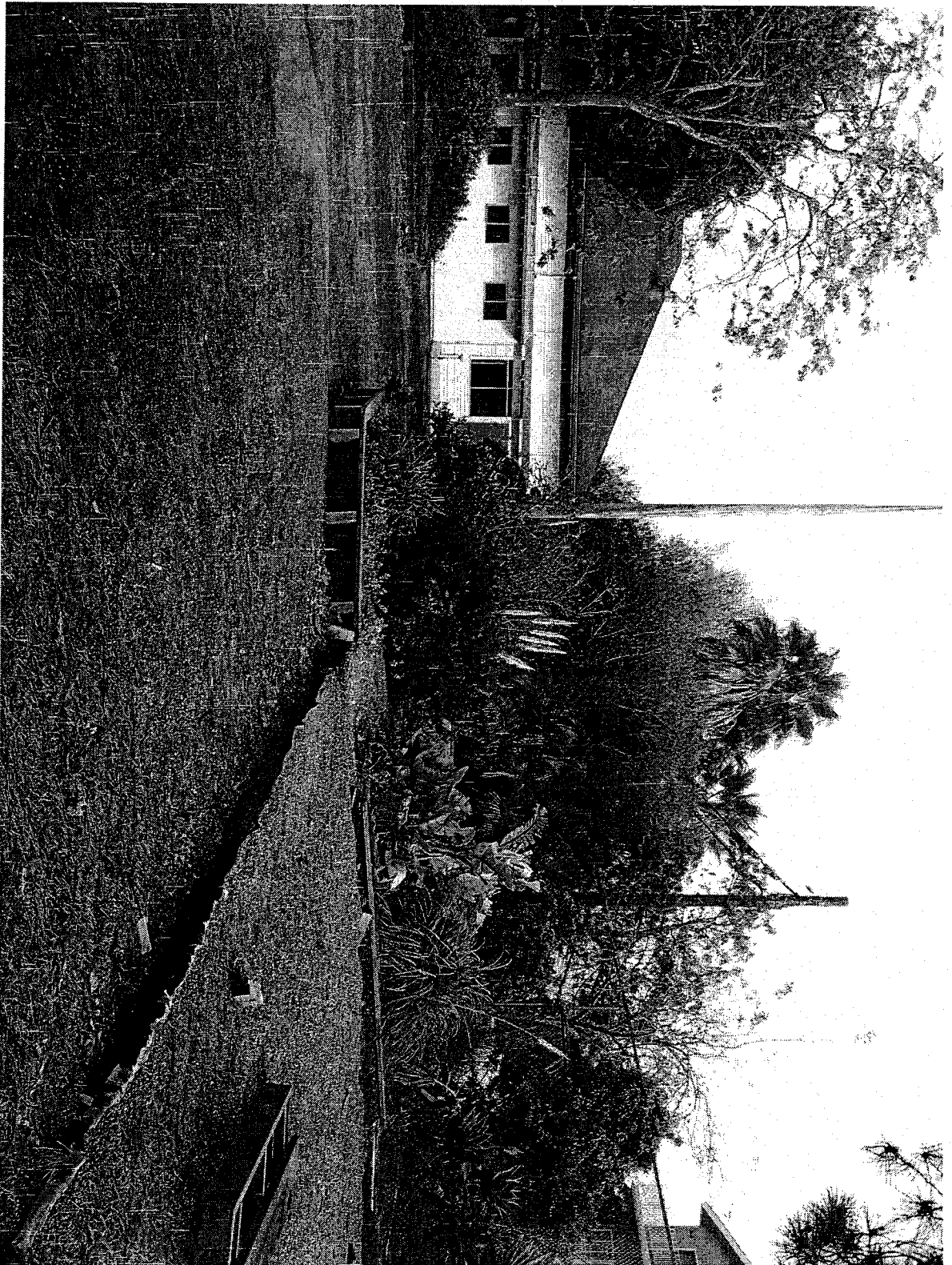


EXHIBIT

Conceptual Drawing 6



4-85



PROJECT

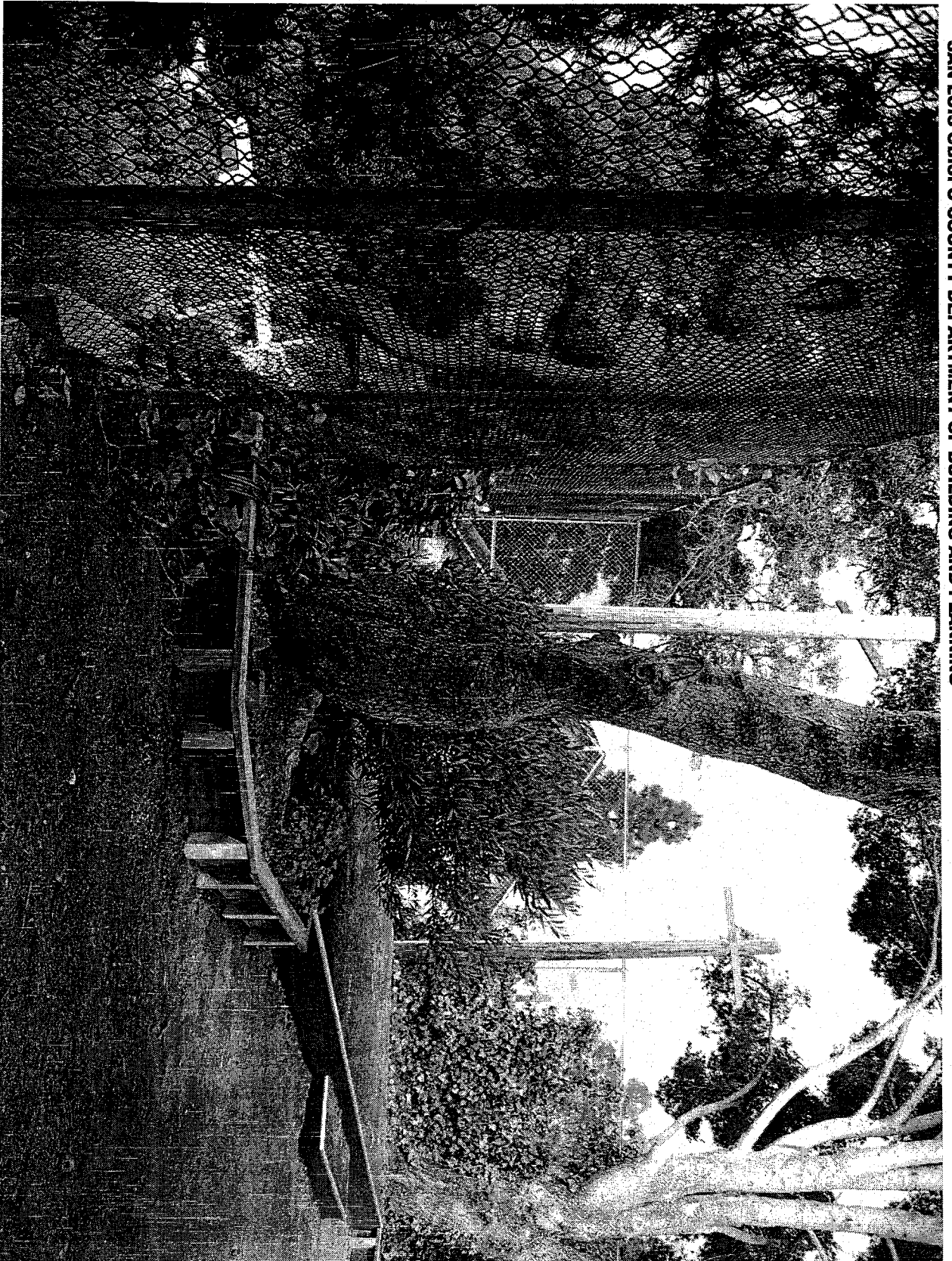
Tract Map  
Shear Edge Development SUB2004-00259



EXHIBIT

Photo 1

4-86



**PROJECT**

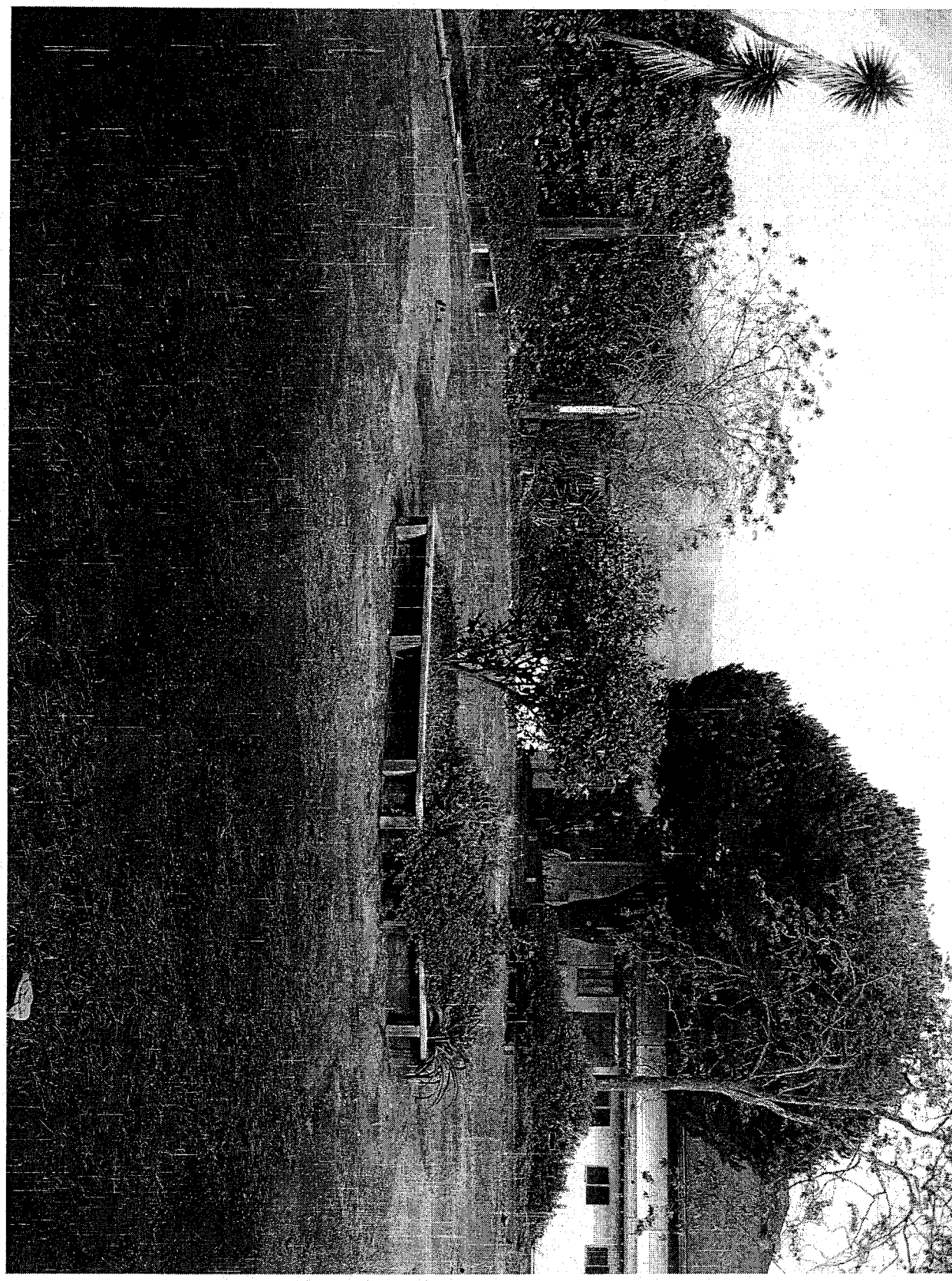
Tract Map  
Shear Edge Development SUB2004-00259



**EXHIBIT**

Photo 2

4-87



PROJECT

Tract Map

Shear Edge Development SUB2004-00259

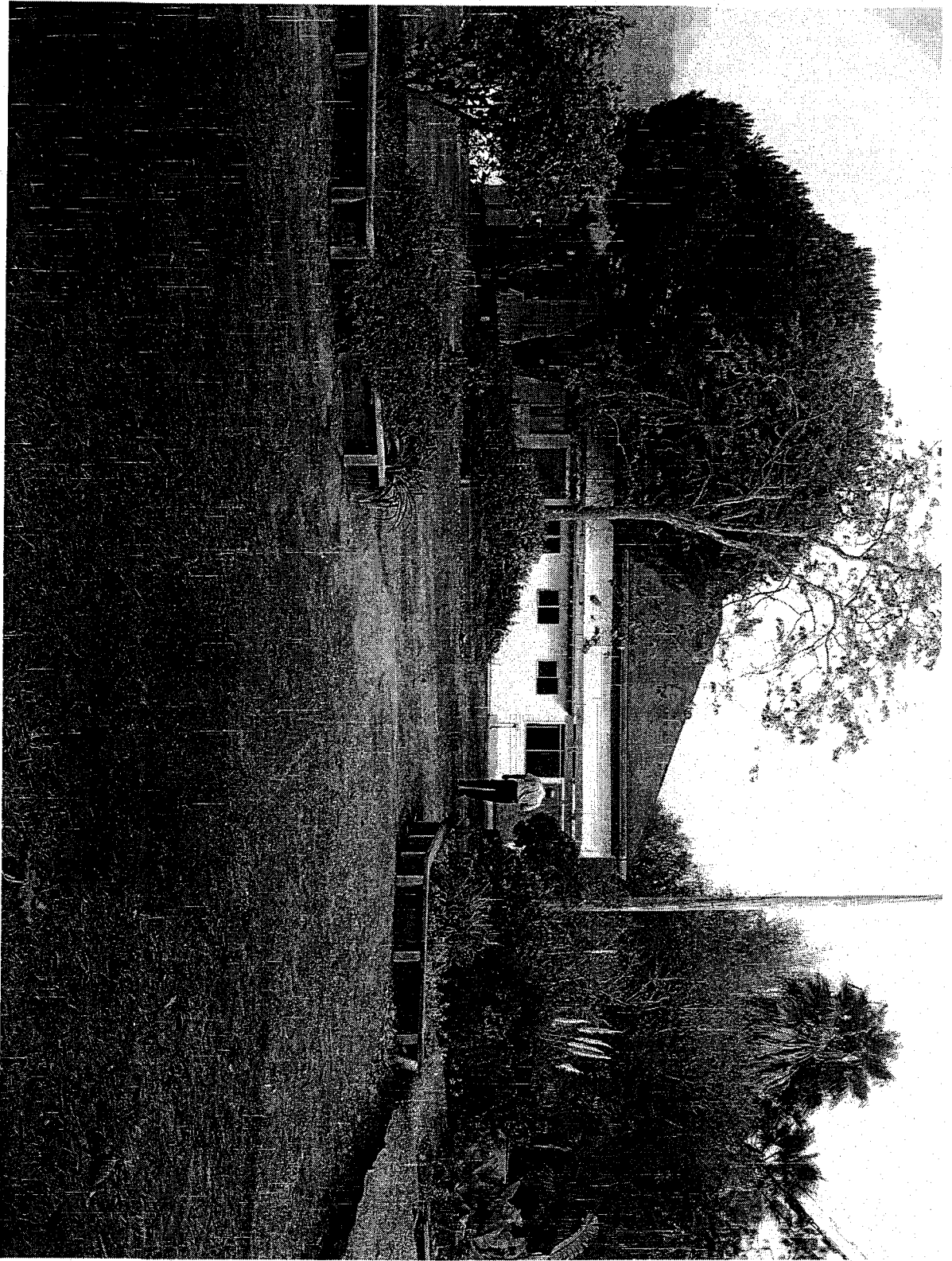


EXHIBIT

Photo 3



4-88



PROJECT

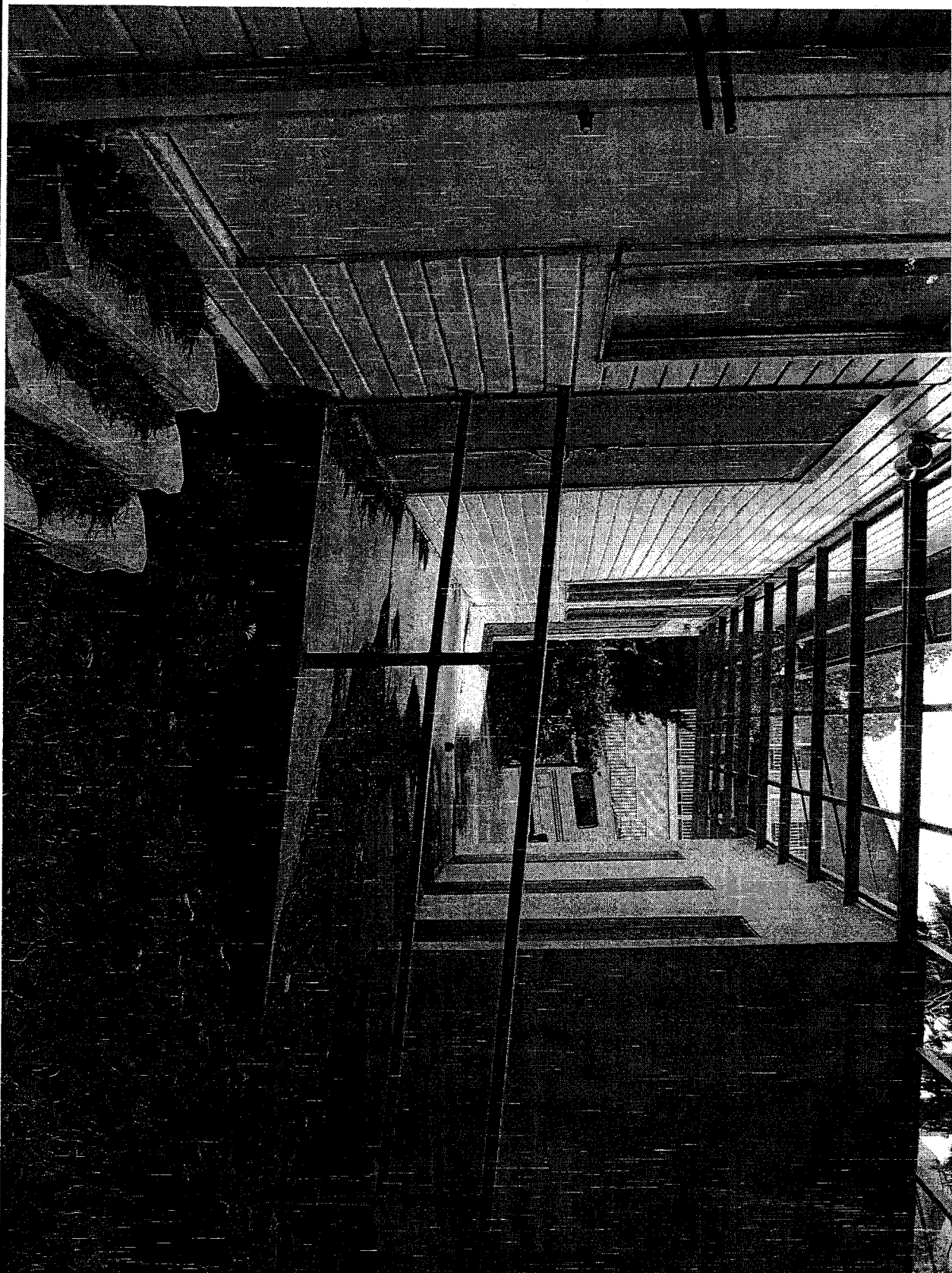
Tract Map  
Shear Edge Development SUB2004-00259



EXHIBIT

Photo 4

4-89



PROJECT

Tract Map  
Shear Edge Development SUB2004-00259



EXHIBIT

Photo 5

4-90



PROJECT

Tract Map  
Shear Edge Development SUB2004-00259



EXHIBIT

Photo 6



4-91



PROJECT

Tract Map

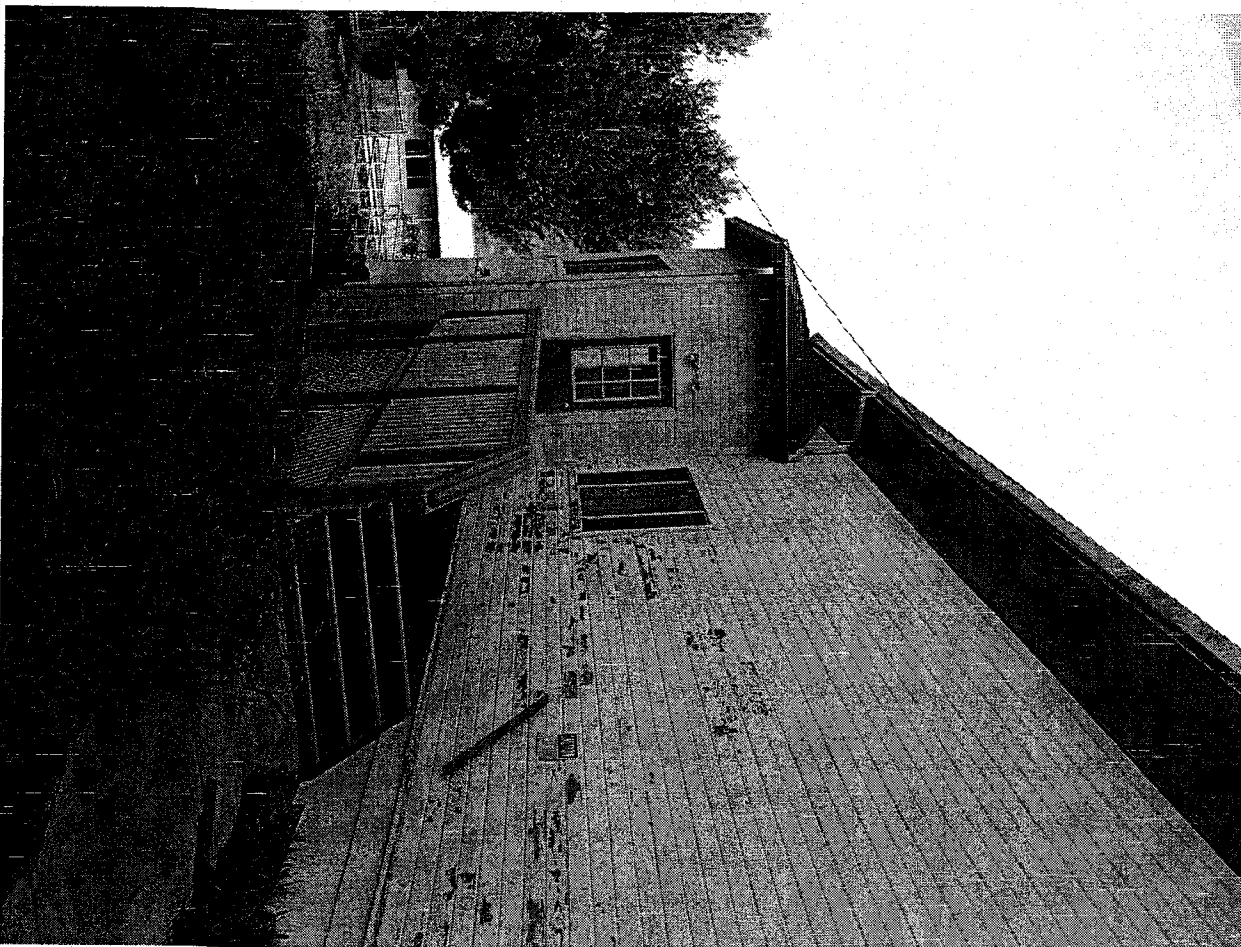
Shear Edge Development SUB2004-00259



EXHIBIT

Photo 7

4-92



PROJECT

Tract Map  
Shear Edge Development SUB2004-00259



EXHIBIT

Photo 8



4-93



PROJECT

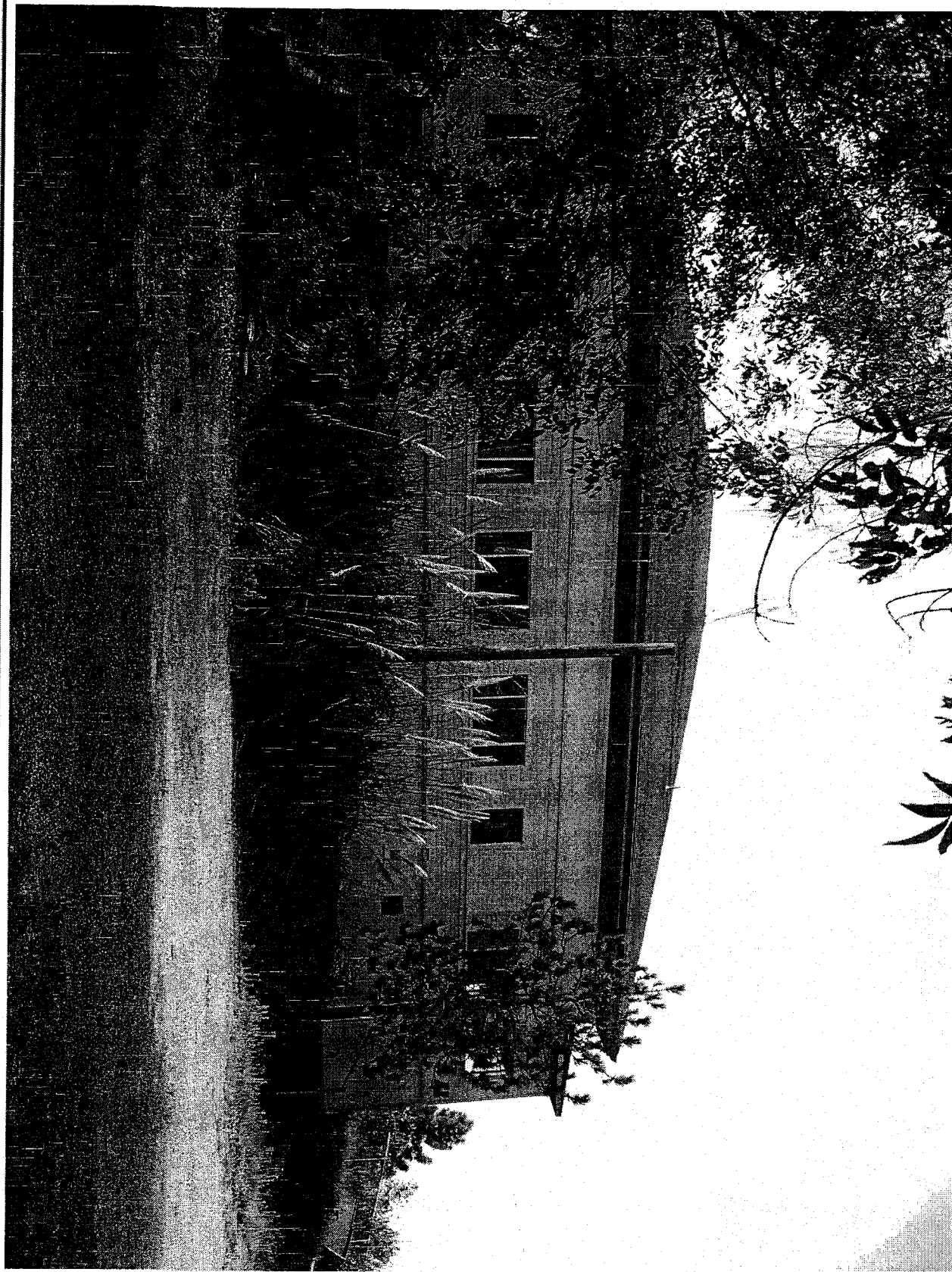
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Shear Edge Development SUB2004-00259



EXHIBIT

Photo 9

4-94



**PROJECT**

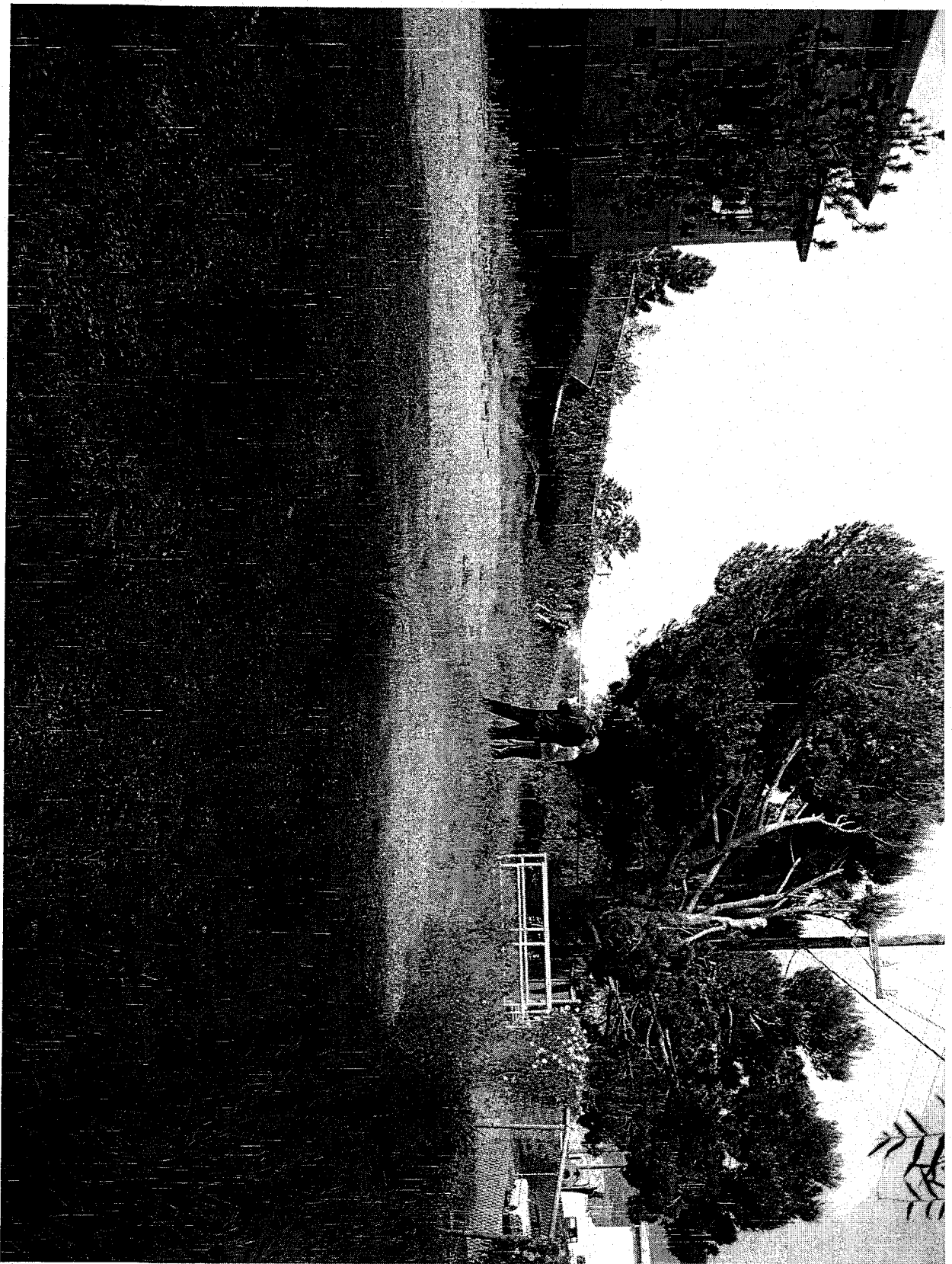
Tract Map  
Shear Edge Development SUB2004-00259



**EXHIBIT**

Photo 10

4-95



PROJECT

Tract Map  
Shear Edge Development SUB2004-00259



EXHIBIT

Photo 11

4-96



PROJECT

Tract Map  
Shear Edge Development SUB2004-00259

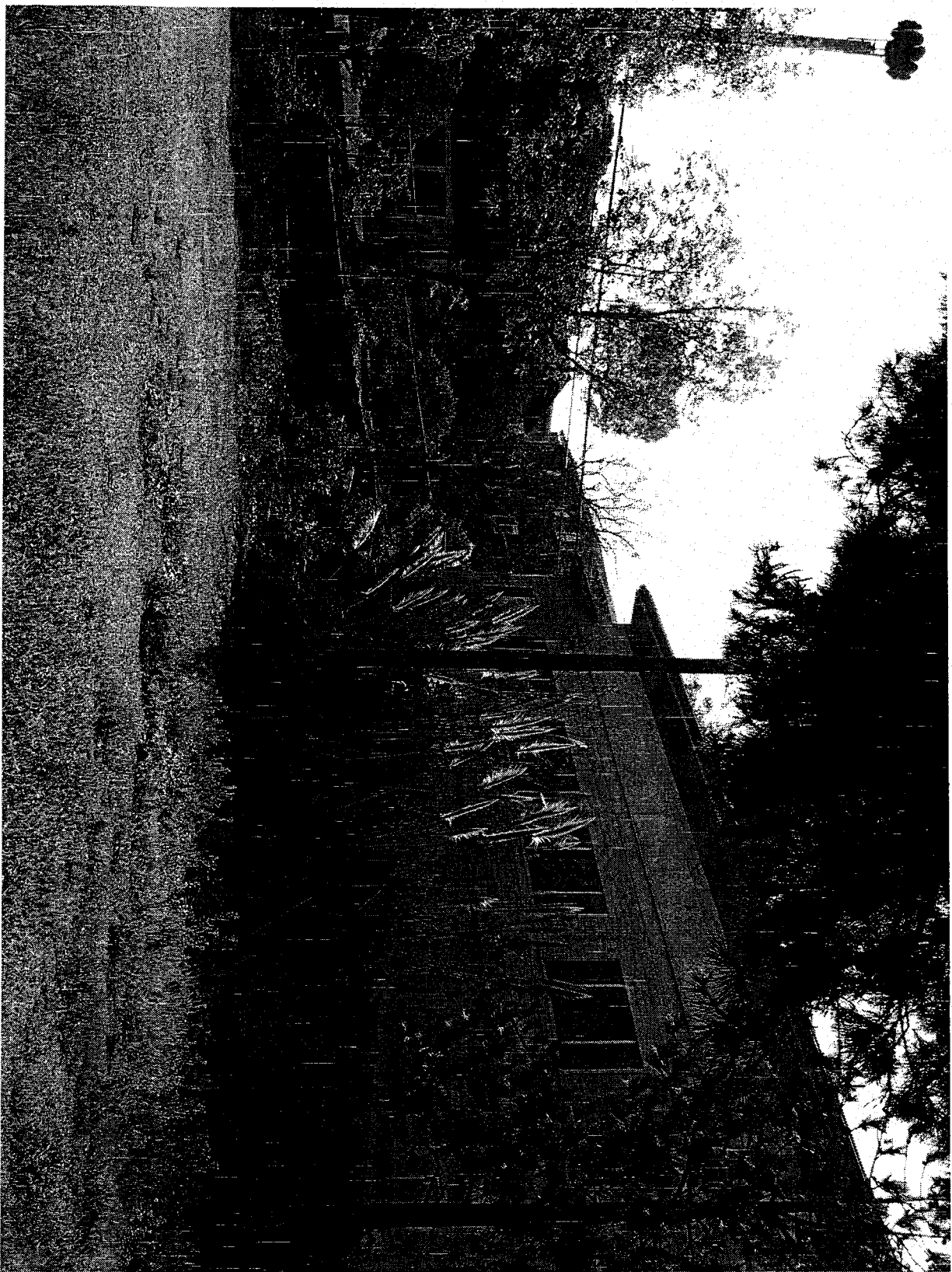


EXHIBIT

Photo 12



4-97



PROJECT

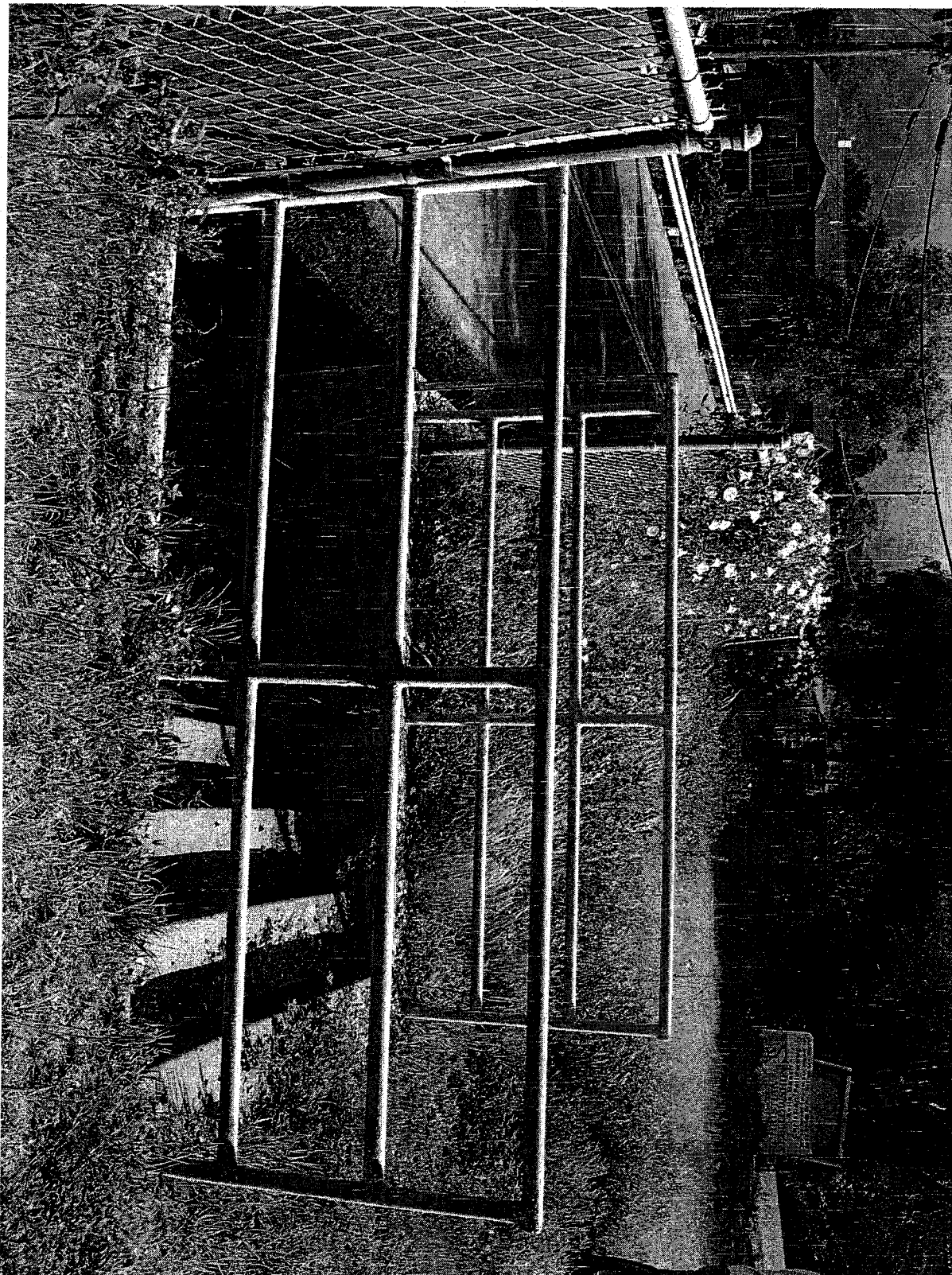
Tract Map  
Shear Edge Development SUB2004-00259



EXHIBIT

Photo 13

4-98



PROJECT

Tract Map  
Shear Edge Development SUB2004-00259



EXHIBIT

Photo 14

4-99



**PROJECT**

Tract Map  
Shear Edge Development SUB2004-00259



**EXHIBIT**

Photo 15

4-100

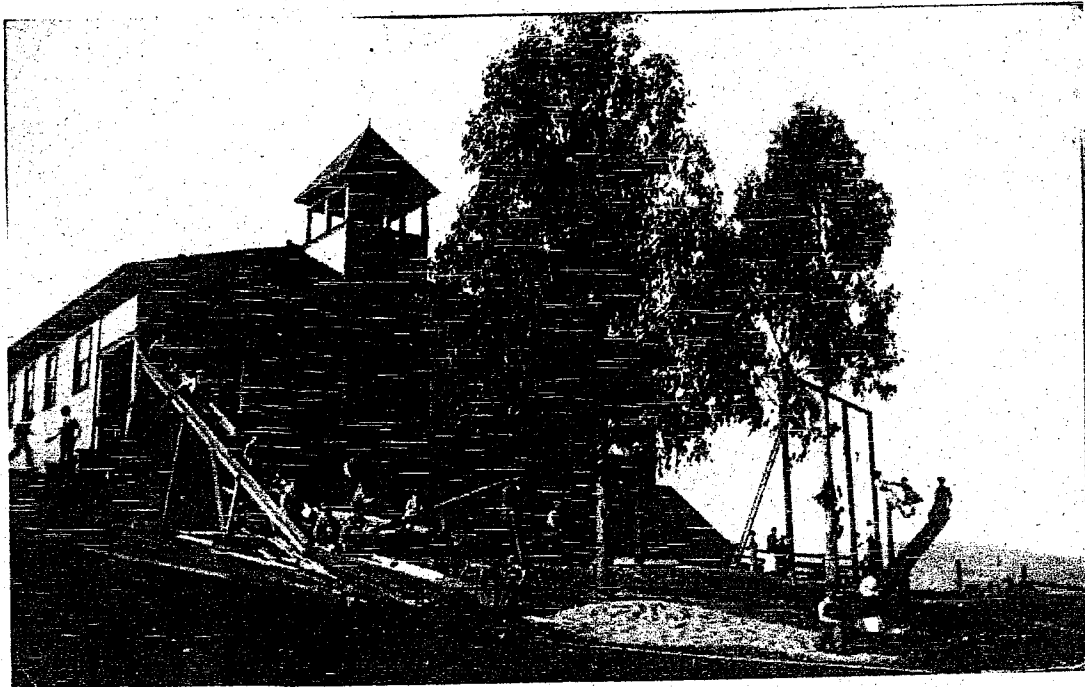
SLO CNTY  
PLANNING/BUILDING  
DEPT

2005 JUL -5 PM 2:42

## **HISTORIC RESOURCE EVALUATION REPORT**

### **THE AVILA SCHOOL CA-SLO-2233**

**190 San Antonio Street  
Avila Beach, CA**



San Luis Coastal Unified School District Parcel  
APN: 076-221-003

**Prepared at the Request of:**

Jeff Edwards  
Los Osos, CA

**Prepared By:**

Betsy Bertrando, Historical Researcher  
Bertrando & Bertrando Research Consultants  
267 Foothill Boulevard  
San Luis Obispo, CA 93405

January 2004



4-101

- Dolores Sylvester Kelsey - Former Avila School student, interviewed Jan 15, 2004.
- Nadine Martin - Former Avila School PTA President, interviewed Jan 16, 2004.
- Harold Martin - Avila Beach historian, interviewed Jan 17, 2004.
- Vincente Canet's Avila School History Collection, viewed records and photographs, Jan 17 through Jan 23, 2004.
- Bertrando & Bertrando Research Consultants (private archive)

The following state and federal data bases were checked for listing of the Avila School.

- The National Register of Historic Places
- California Inventory of Historic Resources
- California Historical Landmarks and Points of Interest for San Luis Obispo County

**Research Theme** A rural, coastal two room community school - 1913 to 1966

The Avila Beach of today is not the same Avila Beach of the period that the school was in use. Cleanup from an oil spill under the town removed three square blocks of residences and businesses (Wolcott 2003). Prior to the remediation effort, the town was a collection of simple vernacular cottages with beach and bay focused businesses that had remained unchanged for most of the 20<sup>th</sup> Century, until the oil spill cleanup took place. Now much of the small town has quickly changed as well, with condominiums, large residences and new business buildings taking the place of the previous eclectic mix of housing and businesses.

Throughout the period that the school was in operation, the Avila Beach economy focused on the storage and shipping of oil, as well as fishing and other harbor related activities. The Union Oil Company presence, beginning in 1911 with their influx of workers into the community, was the main reason that the larger two room school was constructed. In many ways, Avila Beach was a company town. Union Oil built housing for their workers and supported the community over the years whenever help was needed (Farris 2003).

In 1948, the Avila School PTA was formed to help raise funds for special needs that the school might require. The program, while it lasted, was one of the most successful in the county. It provided an outlet for the mothers to influence school and community programs and yet stay based in the family and community. The school closed in 1966 and the children were bused to the new Bellevue Santa Fe School on San Luis Bay Drive at the mouth of Sec Canyon.

4-102

Many changes to the school occurred when it was rehabilitated. The plans for work to be done on the building, which were produced by San Luis Engineering, did not appear to have addressed all of earlier concerns of Stanley Mendes (Caballero n.d.). The plans focused on electrical work, interior walls (including the walling in of the porch) and the extension of the porch roof line at either end of the porch. It is quite clear that baseboards and wall coverings as well as the windows and doors were replaced at this time. The plans clearly state all of the changes made within the interior of the school.

### Field Investigation

At the time of this investigation, after the December 22, 2004 earthquake, the old Avila School was listing on the east side and sagging on the northwest corner. Most recently, the school housed the Avila Beach Christian Fellowship and many of the original structural elements are gone. Doors have been replaced and the two room school that was originally separated by a folding door room divider is now a small auditorium with panic exit doors on the south wall (Figure 1). The west wall windows have been covered, allowing the interior to serve as a backstage area. Raisers form the stage on the interior of the west wall. Seating in the room faces the stage area and there is a console in the east side of the room that controls the electrical panel. The original closed veranda (10 ft 6 in by 62 ft) is now four rooms (Figure 2). Extensions to both ends of the veranda allowed an office area to be created on the northeast corner as well as enlargement of the room that was constructed at the northwest corner of the veranda.



Figure 1 Auditorium with the area of the room divider shown

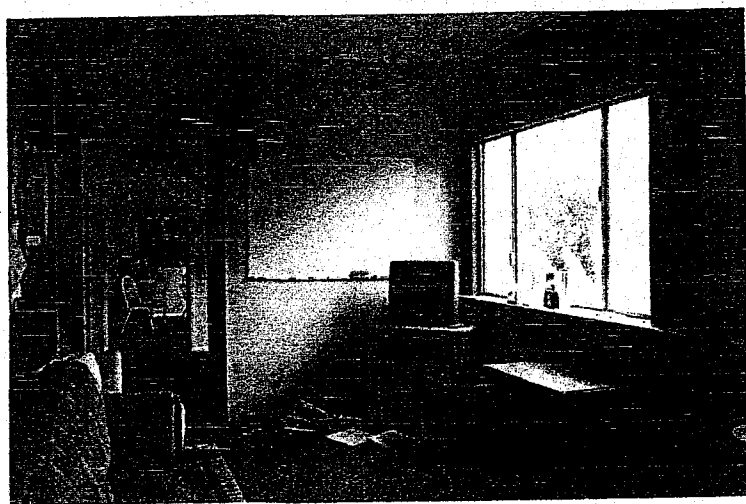


Figure 2 Rooms in the former closed veranda

portion of the original wainscoting in the vicinity of the kitchen is visible on the north wall of the large room serving as an auditorium. The wainscoting is 3 feet high composed of strips 1 1/2 inches in width. Except for sections of the flooring and the wainscoting, everything else has been replaced or hidden behind upgrades. The original veranda pillars are still evident on the interior.

4-103

aspects of integrity and how they apply to the Avila School are listed below. Setting and design of a building and how it evokes its original use adds to the level of significance of the building.

- Location - The school remains in its original location. The current building is the second school building to have been built on the property.
- Design - The design, prior to alterations, was used for schools in the area constructed during the same period. Common design elements for the one and two room schools included a closed veranda across the front and a belfry on the gabled roof. The Avila school originally had both elements. These no longer exist.
- Setting - Once standing alone, sheltered by trees on the hill, with clear views of the bay and San Luis Obispo Creek, the town has grown up the hill and past the schoolhouse. It is surrounded by both new large and older small housing and new vacation rentals. One lot remains undeveloped on the northeast downslope and one lot on the western boundary.
- Materials - *"If a property has been rehabilitated, the historic materials and significant features must have been preserved."* (National Register Bulletin #15 1991:45). Most of the exterior boards are original except in areas where the building has additions or covering up the original doors or windows. The windows and doors have all been replaced. Most windows are newer three paneled aluminum sliders. The interior doors are hollow core and two panic doors have replaced the original exterior classroom doors.
- Workmanship - Typical methods of the period were used during the construction of the school and as costs were always a factor, any embellishments such as a school bell were costs incurred by the local school board and community. The original construction has been impacted by the rehabilitation with almost no interior original work evident. The rehabilitation may or may not have addressed the structural concerns of the previous report by Mendes in 1967 after the school had closed.
- Feeling - With the new windows and doors, rooms taking the place of the inclosed veranda, added side extensions and asphalt grounds, little remains that looks like the school built in 1913. The belfry also has been removed. There is little left that expresses the feeling of a style of schoolhouse that was in use from 1913 until 1966. Last used as a religious meeting house, the building currently reflects little of character of a public school typical of the first half of the 20th century.
- Association - The direct connection with the community as its only school was severed in 1966 when the young children were bused to Bellevue School and the Avila School was closed.

In assessing the integrity of an historic building one determines whether or not the schoolhouse retains the identity for the period of its significance. The period of its significance is not reflected in the building as it currently appears. Setting and structure changes have removed

## REFERENCES

### Avila School PTA

1948-63 Record of events, meetings, and officers of the Avila School PTA in scrapbook format.

1955-57 Avila PTA Annual Reports prepared for the state PTA headquarters.

### Bertrando, Ethan and Betsy Bertrando

2003 *Cultural Resource Inventory of the San Luis Coastal Unified School District Parcel, 190 San Antonio Street APN: 076-221-003, Avila Beach, CA.* Report Prepared for Jeff Edwards by Bertrando & Bertrando Research Consultants.

### Caballero, Louis J.

n.d. Floor plans and elevations produced reflecting changes made prior to the occupancy of the Functional Living Program. Produced by San Luis Engineering.

### Canet, Vincente

n.d. A collection of Avila School History containing documents, photographs and newspaper clipping compiled by Vincent Canet.

### Comino, Blanche

2001 *Lincoln-Adelaida School Application for National Register of Historic Properties.* Prepared by the Adelaida Farm Center.

### Farris, Janet

2003 *Avila, a Glimpse of Yesterday.* Central Coast Press, San Luis Obispo, CA.

### Mendes, Stanley H.

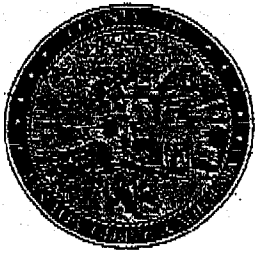
1967 Letter report investigating conditions of the Avila School. It includes floor plans and elevations. Produced by Stanley H. Mendes, Structural Engineer from Santa Barbara.

### National Register Bulletin #15

1991 *How to Apply the National Register Criteria for Evaluation.* Produced by the U.S. Department of the Interior, National Park Service Interagency Resources Division

### Wolcott, Barbara

2003 *David, Goliath and the Beach-Cleaning Machine.* Capital Books, Inc., Sterling, Virginia.



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

**received**  
**2-28-05**

DATE:

2/25/05

TO:

Avila CSD

Shear/Edge Dev.

FROM:

Coastal Team

(Please direct response to the above)

SUB 2004-00259

Project Name and Number

Development Review Section (Phone:

788-2009 )

\*OR ASK THE SWITCH-  
(BOARD FOR THE PLANNING)

PROJECT DESCRIPTION:

CONC. TR. MAP w/ CUP. (TR 2667).

Located in Avila Beach, on the corner of San Luis St.

& San Antonio St. Size of site: .67 acre, or 29,164 SF.

APN: 076-221-003. (Cerro De Avila)

\* Return this letter with your comments attached no later than:

3/14/05 Thank You.

## PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒

YES

NO

## PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒

NO

(Please go on to Part III)

YES

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

## PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

## Project Referral Conditions Response

Project # SUB 2004-00259 Shear/Edge Dev  
Multi - Family Residential Use  
San Luis & San Antonio, Avila Beach

This project will need to apply for water and sewer service from the Avila Beach CSD. The project will require a Preliminary Will Serve as well as a Final Will Serve and must meet all other conditions of approval in accordance with the District's ordinances and standards. For any questions to the District please contact Administrative staff at 595-2664.

3/1/05

John L. Wallace, General Manager

595-2664

4-106

20



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

FEB 25 2005

DATE:

2/25/05

FROM

PW

FROM  
T

Coastal Team

(Please direct response to the above)

Shear/Edge Dev.

SUB 2004-00259

Project Name and Number

Development Review Section (Phone:

788-2009

\*OR ASK THE SWITCH-  
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION:

CONC. TR. MAP w/ CUP. (TR 2667).  
Located in Avila Beach, on the corner of San Luis St.  
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APN: 076-221-003. (Cerro De Avila)

\* Return this letter with your comments attached no later than:

3/14/05. Thank You.

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

?  
\_\_\_\_\_  
\_\_\_\_\_

YES  
NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

?  
\_\_\_\_\_  
\_\_\_\_\_

NO  
YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

RECOMMEND APPROVAL. No Title Report in Referral Package.

Stock conditions ATTACHED.

14 MARCH 2005  
Date

Goodwin  
Name

5252  
Phone

4-107

EXHIBIT B

CONDITIONS OF APPROVAL FOR TRACT 2667, SHERRIDGE / EDWARDS

Approved Project

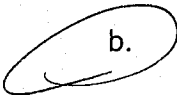
This approval authorizes the division of a \_\_\_\_\_ acre parcel into \_\_\_\_\_ parcels of \_\_\_\_\_ acres / square feet each.

Access and Improvements



Roads and/or streets to be constructed to the following standards:

a. \_\_\_\_\_ constructed to a \_\_\_\_\_ section within a \_\_\_\_\_ foot dedicated right-of-way.



b. SAN LUIS & SAN ANTONIA STS widened to complete an AVILA SPECIFIC PLAN section fronting the property.

c. \_\_\_\_\_ constructed to a \_\_\_\_\_ section from the property to \_\_\_\_\_ (minimum paved width to be \_\_\_\_\_ feet).



The applicant offer for dedication to the public by certificate on the map or by separate document:

a. For future road improvement \_\_\_\_\_ feet along \_\_\_\_\_ to be described as \_\_\_\_\_ feet from the recorded centerline.

b. For future road improvement \_\_\_\_\_ feet along \_\_\_\_\_ to be described as \_\_\_\_\_.

c. For road widening purposes \_\_\_\_\_ feet along \_\_\_\_\_, to be described as \_\_\_\_\_ feet from the recorded centerline.

d. The \_\_\_\_\_ foot road easement as shown on the tentative parcel map with a \_\_\_\_\_ foot radius property line return at the intersection of \_\_\_\_\_.



e. A 20 foot radius property line return at the intersection of SAN LUIS & SAN ANTONIA Streets.

f. The \_\_\_\_\_ foot road easement terminating in a county cul-de-sac as shown on the tentative map.

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- ☐ The intersection of \_\_\_\_\_ and \_\_\_\_\_ be designed in accordance with California Highway Design Manual.
- ☐ Access be denied to lots \_\_\_\_\_ from \_\_\_\_\_ and that this be by certificate and designation on the map.
- ☐ The future alignment of \_\_\_\_\_ shall be shown on the map as reserved for future public right-of-way.
- ☒ A private easement be reserved on the map for access to lots 1 thru 12.
- ☐ A practical plan and profile for access to lots \_\_\_\_\_ be submitted to the Department of Public Works and the Department of Planning and Building for approval.
- ☐ All grading shall be done in accordance with Appendix 33 of the Uniform Building Code. All lot lines shall be considered as Site Area Boundaries with slopes setback accordingly.

### Improvement Plans

- ☒ Improvement plans shall be prepared in accordance with San Luis Obispo County Improvement Standards and Specifications by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include:

- a. Street plan and profile.
- b. Drainage ditches, culverts, and other structures (if drainage calculations require).
- c. Water plan (County Health).
- d. Sewer plan (County Health).
- e. Grading and erosion control plan for subdivision related improvement locations.
- f. Public utility plan, showing all existing utilities and installation of all utilities to serve every lot.
- g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
- h. Trail plan, to be approved jointly with the Park Division.

- ☒ The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.

- ☒ The Registered Civil Engineer, upon completion of the improvements, must certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.

- ☐ If environmental permits from the Army Corps of Engineers or the California Department of Fish and Game are required for any public improvements that are to be maintained by the County, the applicant or his engineer, prior to the approval of the plans by the Department of Public Works shall:
  - a. Submit a copy of all such permits to the Department of Public Works OR
  - b. Document that the regulatory agencies have determined that said permit is not longer required.



4-109

## Drainage

- ☐ \_\_\_\_\_ is not capable of carrying additional runoff. Construct off-site drainage facilities for an adequate outlet, or provide evidence of adequate drainage easements.
- ☐ The existing drainage swale(s) to be contained in drainage easement(s) dedicated on the map.
- ☐ Submit complete drainage calculations to the Department of Public Works for review and approval.
- ☐ If calculations so indicate, drainage must be **retained/detained** in a drainage basin on the property. The design of the basin to be approved by the Department of Public Works, in accordance with county standards.
- ☐ If a drainage basin is required, the drainage basin along with rights of ingress and egress be:
  - a. granted to the public in fee free of any encumbrance.
  - b. offered for dedication to the public by certificate on the map with an additional easement reserved in favor of the owners and assigns.
  - c. reserved as a drainage easement in favor of the owners and assigns.
- ☐ If a drainage basin is required, a zone of benefit be formed within \_\_\_\_\_ for maintenance of the drainage basin. Application to be filed with the The Department of Public Works Administrator.
- ☐ If a drainage basin is required, this development be annexed to \_\_\_\_\_ for maintenance of the drainage basin. Evidence of acceptance to be filed with the Department of Public Works.
- ☒ The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program. *Provide WIDIS number*

## Wastewater Disposal

- ☐ Prior to the filing of the final parcel or tract map, the applicant shall submit to and be jointly approved by the county Department of Planning and Building and Health Department, results of percolation tests and the log or logs of soil borings performed by a registered civil engineer. For this purpose, the applicant shall perform one or more soil borings to be a minimum depth of ten (10) feet in the area of the appropriate area of the proposed sewage disposal system to determine the: a) subsurface soil conditions, (example: impermeable strata which act as barriers to the effective percolation of sewage); b) presence of groundwater; c) separation between sewage disposal saturation areas and groundwater; d) borings shall be as deep as necessary below the proposed on-site disposal area to assure required separation. The applicant must perform a minimum of three (3) percolation test holes, to be spaced uniformly in the area of the proposed sewage disposal system. (Parcel(s) \_\_\_\_\_, only).
- ☐ A community septic system shall be installed with a centralized leaching area and shall have a 100% or greater additional expansion area. The area for the community septic tank system and disposal area shall **be granted in fee on the map to the appropriate maintenance agency for maintenance with the right of ingress and egress / shall be kept as open space within easement for sewage treatment purposes granted to a homeowner's association.** Impervious paving over a disposal area is not considered acceptable.

4-110

- ☐ A long term community septic tank and disposal area maintenance plan be submitted to the the Department of Public Works and Health Department and the Regional Water Quality Control Board for review prior to the filing of the final parcel or tract map.
- ☐ The community sewage system shall be designed by a Registered Civil Engineer and operated in accordance with county, state, federal and maintenance entity laws, standards and requirements. A waste discharge permit, if required, shall be issued by the Central Coast State Regional Water Quality Control Board prior to the filing of the final parcel or tract map.
- ☐ This land division shall be annexed to \_\_\_\_\_ prior to the filing of the final parcel or tract map for **water service/water and sewer service/sewer maintenance/community septic system maintenance/**\_\_\_\_\_.

### Soils Report

- ☐ A final soils report by a Registered Civil Engineer be submitted for review prior to the final inspection of the improvements.
- ☐ Three (3) copies of a Preliminary Soils Report prepared by a Registered Civil Engineer in accordance with Sections 17953, 17954, 17955 of the California Health and Safety Code shall be submitted to the Public Works, Health and Planning and Building Departments prior to the filing of the final parcel or tract map. The date and person who prepared the report are to be noted on the map.

### Utilities

- ☒ Electric and telephone lines shall be installed **underground** ~~overhead~~
- ☒ Cable T.V. conduits shall be installed in the street.
- ☒ Gas lines shall be installed.
- ☐ A \_\_\_\_\_ feet public utility easement on private property along \_\_\_\_\_, plus those additional easements required by the utility company, be shown on the final parcel or tract map.

### Design

- ☐ The lots shall be numbered in sequence.
- ☐ The \_\_\_\_\_ on lot \_\_\_\_\_ be removed or brought into conformance with the **Land Use Ordinance / Coastal Zone Land Use Ordinance** prior to filing the final parcel or tract map. A demolition permit may be required.
- ☐ The lot area of \_\_\_\_\_ shall contain a minimum area of \_\_\_\_\_ exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22/23.04.021).

4-111

- ☐ The applicant shall apply to the Department of Planning and Building for approval of new street names prior to the filing of the final parcel or tract map. Approved street names shall be shown on the final parcel or tract map.

#### Vector Control and Solid Waste

- ☒ A determination of method of pick-up shall be specified by the waste handler and if centralized facilities for the pick-up are required, provisions shall be made within the project for central facilities that meet **Land Use Ordinance / Coastal Zone Land Use Ordinance** requirements for trash enclosures. If centralized facilities are established, this shall include provisions for recycling if service is available or subsequent installation of such facilities if recycling service becomes available in the future.

#### Fire Protection

- ☐ Provide minimum fire flow of \_\_\_\_\_ gallons per minute as per nationally recognized standard. Fire flows to be maintained for a minimum two-hour duration.
- ☐ The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (CDF)/County Fire Department establishing fire safety requirements prior to filing the final parcel or tract map.
- ☐ Designate a fire lane within all the driveway areas. This lane to be minimum width of twenty (20) feet. *(USE FOR MULTI-FAMILY/COMMERCIAL PROJECTS ONLY)*

#### Parks and Recreation (Quimby) Fees

- ☐ Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, prior to filing of the final parcel or tract map, the applicant shall pay the in-lieu" fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total **number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them / or the number of dwelling units proposed in the case of a condominium, stock cooperative, or community apartment project.**
- ☐ For subdivisions of less than five parcels that are not to be used for residential purposes, if a building permit is requested for construction of a residential structure or structures on one or more of the parcels created by this subdivision within four years of recordation of the map, the Quimby Ordinance fee specified in the county fee schedule shall be paid by the owner of each parcel as a condition for the issuance of such permit.

#### Affordable Housing Fee

- ☐ Prior to filing the final parcel or tract map, the applicant shall pay an affordable housing in-lieu fee of 3.5 percent of the adopted public facility fee effective at the time of recording for each residential lot. This fee shall not be applicable to any official recognized affordable housing included within the residential project.

4-112

## Easements

- ☐ The property owner shall grant an avigation easement to the county of San Luis Obispo. The avigation easement document shall be prepared, reviewed and approved by County Counsel prior to filing of the final parcel or tract map.
- ☐ An open space easement be recorded for the open space parcel(s). It is to be held ***in single ownership / in common by the Homeowner's Association / or transferred to a public trust or conservancy agency approved by the Department of Planning and Building.*** The open space parcel is to be maintained as such in perpetuity.

## Landscape Plans

- ☐ ***If a drainage basin*** is required, then submit detailed landscaping plans in compliance with Section 22/23.04.180 et seq. to the Department of Planning and Building for review and approval prior to filing of the final parcel or tract map. Said plans to include location, species, size, and method of maintenance of all proposed plant materials. All proposed plant materials shall be of a drought tolerant variety and be sized to provide a mature appearance within three years of installation. Plan to include:
  - a. Drainage basin fencing. (*ONLY USE IF THE DRAINAGE BASIN HAS A DEPTH OF 2 FEET OR GREATER AS MEASURED FROM THE TOP OF THE RIM TO THE LOWEST PORTION OF THE BASIN*)
  - b. Drainage basin perimeter landscape screening. (*ONLY USE FOR FENCED BASINS*)
  - c. Landscaping for erosion control.
- ☐ All approved landscaping shall be installed or bonded for prior to filing of the final parcel or tract map and thereafter maintained in a viable condition on a continuing basis. If bonded for, landscaping shall be installed within \_\_\_\_\_ days of completion of the improvements.

## Mitigations PUT ANY MITIGATIONS FROM DEVELOPER STATEMENT HERE ONLY IF THEY CAN BE COMPLETED PRIOR TO THE RECORDATION OF THE MAP

- ☐ \_\_\_\_\_
- ☐ \_\_\_\_\_

## Additional Map Sheet

- ☐ The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:

### CHOOSE APPLICABLE PROVISIONS

- a. That the owner(s) of lot(s) \_\_\_\_\_ is responsible for on-going maintenance of drainage basin fencing in perpetuity.
- b. That the owner(s) of lot(s) \_\_\_\_\_ is responsible for on-going maintenance of ***drainage basin / adjacent*** landscaping in a viable condition on a continuing basis into perpetuity.
- c. That secondary dwellings shall not be allowed on ***all lots within the land division / on lots*** \_\_\_\_\_.

4-113

- d. Designated building sites (and access drives) shall be shown on the additional map sheet reflecting the approved tentative map. **At the time of application for construction permits**, the applicant shall clearly delineate the approved building site and access drive on the project plans.
- e. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- f. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- g. An agricultural buffer prohibiting residential structures, consisting of \_\_\_\_\_ feet over lots \_\_\_\_\_, shall be shown on the additional map sheet. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year. **At the time of application for construction permits**, the applicant shall clearly delineate the agricultural buffer on the project plans.
- h. The limits of inundation from a 100 year storm over lots \_\_\_\_\_ from \_\_\_\_\_ **creek / river** shall be shown on the additional map and note the required building restriction in the on the sheet.
- i. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
- j. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter dated \_\_\_\_\_ from the California Department of Forestry (CDF)/County Fire Department are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. *(ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)*
- l. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
- A. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
- B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.
- m. PUT ANY MITIGATIONS FROM DEVELOPER'S STATEMENT HERE **ONLY IF THEY GO BEYOND RECORDATION OF THE MAP** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4-114

Miscellaneous

- ☒ This subdivision is also subject to the standard conditions of approval for all subdivisions using **community water and sewer / community water and septic tanks / individual wells and septic tanks**, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- ☒ A stormwater pollution plan may be necessary from the Regional Water Quality Control Board. Provide evidence that it has been obtained or is unnecessary prior to filing the map.
- ☐ Applicant shall file with the Department of Public Works an application requesting apportionment of any unpaid assessments under the Improvement Bond Act of 1915, in compliance with Section 8740.1 of the Streets and Highways Code of the State of California. Said apportionment must be completed prior to filing the map.
- ☐ Prior to the sale of the designated remainder or omitted parcel, if applicable, the applicant shall obtain approval of a certificate of compliance or conditional certificate of compliance from the county.
- ☐ All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map, not from any date of possible reconsideration action.

## Covenants, Conditions and Restrictions

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- ☐ The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval. The CC&R's shall provide at a minimum the following provisions:

### CHOOSE APPLICABLE PROVISIONS

- a. On-going maintenance of drainage basin fencing in perpetuity.
- b. On-going maintenance of **drainage basin / adjacent** landscaping in a viable condition on a continuing basis into perpetuity.
- b. Maintenance of drainage basin landscaping.
- c. Maintenance of common areas.
- d. Secondary dwellings shall not be allowed.
- e. Designated building sites (and access drives) shall be shown on an exhibit attached to the CC&R's reflecting the approved tentative map.
- f. Notification to prospective buyers of the county's Right to Farm Ordinance currently in effect at any time said deed(s) are recorded.
- g. Notification of the consequences of existing and potential intensive agricultural operations on adjacent parcels including but not limited to noise, dust, odor and agricultural chemicals.
- h. An agricultural buffer prohibiting residential structures, consisting of \_\_\_\_\_ feet over lots \_\_\_\_\_, shall be shown on an exhibit attached to the CC&R's. This buffer shall become null and void on individual parcels within this subdivision, if the adjacent Agriculture land use category is changed or if any existing commercial agricultural business on adjacent parcels effecting this subdivision cease operation for a minimum of one year.
- i. Maintenance of all local streets within the subdivision until acceptance by a public agency.
- j. The limits of inundation from a 100 year storm over lots \_\_\_\_\_ from \_\_\_\_\_ **creek / river** shall be shown on an exhibit attached to the CC&R's and note the required building restriction in the in the CC&R's.
- k. Note to potential buyers and future owners of the property that the project is in an area from which combustion and petroleum-type odor complaints are frequently received by the Air Pollution Control District. The District Hearing Board has issued a nuisance abatement order which should improve the air quality in the Nipomo area; however, clean up is a lengthy process, therefore buyers of new lots should be advised that these conditions exist. *(ONLY USE IF WITHIN SOUTH COUNTY PLANNING AREA OR NEAR THE PLANT IN THE SAN LUIS BAY PLANNING AREA)*
- l. \_\_\_\_\_  
\_\_\_\_\_

### Low Cost Housing (USE IN COASTAL ZONE ONLY)

- ☐ Provide \_\_\_\_\_ residential units for low and moderate income families as defined by Section 50093 of the Health and Safety Code as part of the proposed project or elsewhere in the community. The agreement with the county for the development will include acknowledgment that it is feasible to provide a level of affordable housing in conjunction with this project. If qualified buyers have not purchased any of the \_\_\_\_\_ units within six months of the units being available for sale, and evidence can be provided that shows a reasonable advertising campaign was used to attract qualified buyers, the applicant may be relieved from the requirements to sell the units to qualified buyers.



4-116



## AIR POLLUTION CONTROL DISTRICT

COUNTY OF SAN LUIS OBISPO

4-117

Date: March 11, 2005

To: Coastal Team  
San Luis Obispo County Department of Planning and Building

From: Melissa Guise *MG*  
San Luis Obispo County Air Pollution Control District

SUBJECT: Cerro De Avila (SUB 2004 -00259)

Thank you for including the APCD in the environmental review process. We have completed our review of the proposed project located at 190 San Antonio Street, in Avila Beach. The project as proposed includes a 14 unit residential development on approximately 0.67 acres. We have the following comments regarding this proposal.

### **GENERAL COMMENTS:**

APCD staff supports the proposal development. Allowing for infill within the existing urban reserve line is consistent with the goals and policies of the Clean Air Plan. Increasing density can reduce trips and travel distances and encourage the use of alternative forms of transportation.

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter that are highlighted by bold and underlined text.**

### **I. Construction Phase Emissions**

The project as described in the referral will not likely exceed the APCD's CEQA significance threshold for construction phase emissions. However, construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. Dust complaints could result in a violation of the District's 402 "Nuisance" Rule. **APCD staff recommend the following measures be incorporated into the project to control dust:**

- Reduce the amount of the disturbed area where possible.
- Use water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible.
- All dirt stock-pile areas should be sprayed daily as needed.
- All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible.
- Building pads should be laid as soon as possible after grading unless seeding or soil.

### **Demolition Activities**

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during demolition, relocation, or remodeling of existing

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Cerro De Avila/Tract 2667 (SUB 2004-00259)

March 11, 2005

Page 2 of 3

buildings. Asbestos can also be found in utility pipes/pipelines (transite pipes or insulation on pipes). If utility pipelines are scheduled for removal or relocation; or building(s) are removed or renovated this project may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos NESHA<sup>P</sup>). These requirements include but are not limited to: 1) notification requirements to the District, 2) asbestos survey conducted by a Certified Asbestos Inspector, and, 3) applicable removal and disposal requirements of identified ACM. Please contact Tim Fuhs of the APCD Enforcement Division at 781-5912 for further information.

#### Naturally Occurring Asbestos

The project site is located in a candidate area for Naturally Occurring Asbestos (NOA), which has been identified as a toxic air contaminant by the California Air Resources Board (ARB). Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations, prior to any grading activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if NOA is present within the area that will be disturbed. If NOA is not present, an exemption request must be filed with the District (see Attachment 1). If NOA is found at the site the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the District. Please refer to the District web page at <http://www.slocleanair.org/business/asbestos.asp> for more information or contact Karen Brooks of our Enforcement Division at 781-5912.

#### Portable Equipment Permit or Registration Requirements

Portable equipment greater than 50 horsepower (hp) used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or a District permit. The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive.

- Portable generators greater than 50 hp
- IC Engines
- Concrete batch plants
- Rock and pavement crushing
- Tub grinders
- Trommel screens

To minimize potential delays, prior to the start of the project, please contact David Dixon of the District's Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.

#### II. Operational Phase Emissions

District staff conducted a screening level air quality impact assessment for the operational emissions from this project based on the information provided in the project referral. The screening data indicated the project will not likely exceed the District's CEQA Tier I significance threshold

4-119

Cerro De Avila/Tract 2667 (SUB 2004-00259)

March 11, 2005

Page 3 of 3

(10 lb/day). Therefore no specific mitigation measures are required. However if wood burning devices are installed in the dwelling units they will need to comply with District Rule 504. **Under District Rule 504, only District approved wood burning devices can be installed in new dwelling units.** District approved devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

If you have any questions about approved wood burning devices, please contact Tim Fuhs of our Enforcement Division at 781-5912.

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, or if you would like to receive an electronic version of this letter, feel free to contact me at 781-4667.

MAG/sll

cc: Tim Fuhs, SLOAPCD Enforcement Division  
Karen Brooks, SLOAPCD Enforcement Division  
David Dixon, SLO APCD Engineering Division  
Shear Edge Development, Applicant

Attachment: Attachment 1, NOA Construction & Grading Project - Exemption Request Form

h:\o\plan\response\3000.doc

4-120

**ATTACHMENT 1**

**Naturally Occurring Asbestos – Construction & Grading  
Project – Exemption Request Form**

Send To:

San Luis Obispo County Air  
Pollution Control District  
3433 Roberto Court  
San Luis Obispo, CA 93401

Fax: (805) 781-1002



Applicant Information/ Property Owner		Project Name	
Address		Project Address and /or Assessors Parcel Number	
City, State, Zip		City, State, Zip	
Phone Number	Date Submitted	Agent	Phone Number

The District may provide an exemption from Section 93105 of the California Code of Regulations - Asbestos Airborne Toxic Control Measure For Construction, Grading, Quarrying, And Surface Mining Operations for any property that has any portion of the area to be disturbed located in a geographic ultramafic rock unit; if a registered geologist has conducted a geologic evaluation of the property and determined that no serpentine or ultramafic rock is likely to be found in the area to be disturbed. Before an exemption can be granted, the owner/operator must provide a copy of a report detailing the geologic evaluation to the District for consideration. The District will approve or deny the exemption within 90 days. An outline of the required geological evaluation is provided in the District handout "**ASBESTOS AIRBORNE TOXIC CONTROL MEASURES FOR CONSTRUCTION, GRADING, QUARRYING, AND SURFACE MINING OPERATIONS – Geological Evaluation Requirements**".

<b>APPLICANT MUST SIGN BELOW</b>	
I request the San Luis Obispo Air Pollution Control District grant this project exemption from the requirements of the ATCM based on the attached geological evaluation.	
Legal Declaration/Authorized Signature:	
Date:	

<b>DISTRICT USE ONLY - APCD Required Element - Geological Evaluation</b>			
APCD Staff:		Intake Date:	OIS Tracking Number:
Approved	Not Approved	APCD Staff:	Date Reviewed:
Comments:			



4-122  
County of San Luis Obispo • Public Health Department

*Environmental Health Services*

2156 Sierra Way • P.O. Box 1489  
San Luis Obispo, California 93406  
(805) 781-5544 • FAX (805) 781-4211

Gregory Thomas, M.D., M.P.H.  
County Health Officer  
Public Health Director

Curtis A. Batson, R.E.H.S.  
Director

February 15, 2005

Shear Edge Development  
P.O. Box 6070  
Los Osos, CA 93412

**ATTN: JEFF EDWARDS/MICHAEL HODGE**  
**RE: TENTATIVE TRACT MAP 2667 (San Luis Coastal School Dist.)**  
APN 076,221,003

Water Supply and Wastewater Disposal

This office is in receipt of satisfactory **preliminary** information that the Avila Beach Community Services District will provide water and sewer service to the referenced tract map. Be advised that prior to final recordation of the map a final can and will serve letter from the Avila Beach Community Services District will have to be submitted and approved by the Division of Environmental Health. Prior to final map recordation, water and sewer improvements shall be built to each parcel or a monetary bond submitted to perform the work at a later date.

TRACT 2667 is approved for map processing.

*Laurie A. Salo*

LAURIE A. SALO, R.E.H.S.  
Senior Environmental Health Specialist  
Land Use Section

c: Kami Griffin, County Planning  
Coastal Team, County Planning  
Avila Beach CSD  
San Luis Coastal Unified School District, Owner

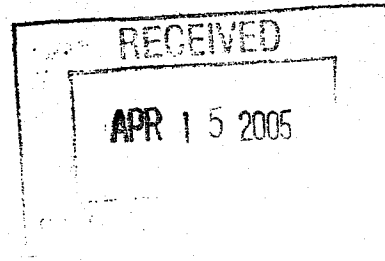




JRC  
CDF/San Luis Obispo County  
Fire Department

4-173

635 N. Santa Rosa • San Luis Obispo • California, 93405



April 11, 2005

County of San Luis Obispo  
Department of Planning/Building  
County Government Center  
San Luis Obispo, CA 93408

Dear Coastal Team,

## **TRACT MAP & CONDITIONAL USE PERMIT PLAN**

**Name: Shear/Edge Dev. Project Number: SUB2004-00259**

The Department has reviewed the tract map & conditional use permit plans submitted for the proposed subdivision and single family complex project located at 190 San Antonio St., Avila Beach. The property is located within high fire hazard severity area, and will require a minimum 5 minute response time from the nearest County Fire Station.

The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:

### **BUILDING SETBACKS**

The San Luis Obispo County Planning and Building Department shall establish setbacks for all parcels that cannot meet standard setback requirements.

The San Luis Obispo County Planning and Building Department shall establish setbacks for all parcels less than one acre.

### **ROOF COVERING**

The roof type will have to be consistent with the requirements of Table 15A of the 2001 CBC and no less than a Class B roof. Wood-shake or shingle roofs are prohibited in Avila Beach.

### **FIRE FLOW**

Fire Flow requirements will have to comply with Appendix IIIA of the CFC. No less than 1500 GPM for 120 minutes at 20 PSI. Hydrant will be within 150 ft. of any exterior wall. Hydrant system plans shall be approved by the fire department prior to construction.

### **FIRE PROTECTION SYSTEMS**

Avila Beach requires that all building exceeding 1000 sq. ft. must have fire protection sprinklers. The automatic fire extinguishing system shall comply with NFPA 13D. Two sets of plans shall be submitted to the County Fire Department for approval. A letter from the monitoring company shall be submitted to the County Fire Department verifying service.

We require that a Fire Protection Engineer review the Fire Protection Systems for this project (UFC 103.1.1). A list of Fire Protection Engineers, it is available on our website at [www.cdfslo.org](http://www.cdfslo.org). The Fire Protection Engineer will require working plans as outlined in NFPA 13, 6-1 (1996). The Fire Protection Engineer will be required to send the County Fire Department an original letter of the project review they conducted complete with the changes needed.

### **ACCESS**

Access road width shall be 18 feet.

All road and driveway surfaces shall be all weather.

All surfaces shall be constructed to meet a load capacity of 20 tons.

Any grade exceeding 12% shall be a non-skid surface.

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## ADDRESSING

Legible address numbers shall be placed on all residences.  
All residences shall be assigned a separate address.  
Legible address numbers shall be located at the driveway entrance.

## VEGETATION CLEARANCE

To provide safety and defensible space the following shall be required:  
To each side of roads and driveways a 10-foot fuelbreak shall be provided.  
Maintain around all structures a 30-foot firebreak.  
➤ This does not apply to landscaped areas and plants.  
Remove any part of a tree that is within 10 feet of a chimney outlet.  
Maintain any tree adjacent to or overhanging any building free of deadwood.  
Maintain the roof of any structure free of leaves, needles or other dead vegetative growth.

## FINAL INSPECTION

The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently Southern San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at [www.cdfslo.org](http://www.cdfslo.org) ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,



Gilbert R. Portillo

Fire Inspector

C: Shear Edge Development  
Jeff Edwards



GENERAL SERVICES

2005 FEB 25 PM 1:53

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

VICTOR HOLANDA, AICP  
DIRECTOR

APR 12 2005

S.L.O. CO. PLANNING DEPT.

THIS IS A NEW PROJECT REFERRAL

DATE:

From:

To:

2/25/05 04/11/05  
Parks

Coastal Team  
(Please direct response to the above)

Shear/Edge Dev.

SUB 2004-00259

Project Name and Number

Development Review Section (Phone:

788-2009)

\*OR ASK THE SWITCH-  
(BOARD FOR THE PLANNER)

PROJECT DESCRIPTION:

Conc. TR. MAP w/ CUP. (TR 2667).  
Located in Avila Beach, on the corner of San Luis St.  
& San Antonio St. Size of site: .67 acre, or 29,164 SF.  
APN: 076-221-003. (Cerro De Avila)

\* Return this letter with your comments attached no later than:

3/14/05. Thank You.

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

✓ YES  
       NO

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

✓ NO (Please go on to Part III)  
       YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

Require payment of Quimby fees and applicable  
Building Division fees.

04/11/05  
Date

Jan Dille  
Name

4089  
Phone



JRC 4-176 20  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE: 2/25/05  
TO: Charter  
FROM: Coastal Team  
(Please direct response to the above)

Shear/Edge Dev.

SUB 2004-00259  
Project Name and Number

Development Review Section (Phone: 788-2009)

\*OR ASK THE SWITCH-  
(BOARD FOR THE PLANNERS)

PROJECT DESCRIPTION: Conc. TR. MAP w/ CUP. (TR 2667).  
Located in Avila Beach, on the corner of San Luis St.  
& San Antonio St. Size of site: .67 acre, or 29,164 SF.  
APN: 016-221-003. (Cerro De Avila)

\* Return this letter with your comments attached no later than: 3/14/05 Thank You.

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?  
X YES  
NO

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?  
X NO (Please go on to Part III)  
YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE

CATU will serve new tract Data & Video

Date

4-7-05

Name

[Signature]

Phone

2166-4423